

Great Britain & Ireland
England & Wales *Treaties*
THE
ASSIENTO,
OR,
CONTRACT
FOR

Allowing to the Subjects of *Great Britain*
the Liberty of Importing NEGROES
into the *Spanish America*.

Sign'd by the CATHOLICK KING at *Madrid*, the
Twenty sixth Day of *March*, 1713.

By Her Majesty's special Command.



L O N D O N,
Printed by *John Baskett*, Printer to the King's most Excellent Majesty. 1725.

ASSISTANT

COMPTROLLER

OF THE

NAVY

OFFICE

^{or from}
A fanega of Cocoa in Caracas is 116
Spanish lb. is much about English w.
— a 1/2 lb difference is 1/2 most
a fanega at Maracabo is but 96.

1. 11. 6
9. 0

2. 0 8

2. 1. 4



A N N E R.

O U R Will and Pleasure is, and We do hereby Grant unto Our Printers *John Baskett*, and the Assigns of *Thomas Newcomb*, and *Henry Hills*, deceas'd, Our Licence for the sole Printing and Publishing of *The ASSIENTO, or, CONTRACT for Allowing the Subjects of Great Britain the Liberty of Importing Negroes into the Spanish America, Sign'd by the Catholick King at Madrid, the Twenty sixth Day of March, 1713.* for and during the Term of Fourteen Years. And We do hereby strictly Forbid all other Persons whatsoever to Print or Publish the same, during the Term aforesaid, without the Consent of the above-named *John Baskett*, and the Assigns of *Thomas Newcomb*, and *Henry Hills*, deceas'd, or their Executors or Assigns, as they will answer the contrary at their Peril.

Given at Our Court at Kensington the Twentieth Day of June, 1713. In the Twelfth Year of Our Reign.

By Her Majesty's Command,

DARTMOUTH.

ASSIENTO, The ASSIENTO,

Ajustado entre las dos
Majestades Catholica,
y Bretanica, sobre
Encargarse la Com-
pañia de Inglaterra
de la Introducion de
Esclavos Negros en
la America Españo-
la, por tiempo de tre-
inta años, que empe-
zarán à correr en
primero de Mayo del
presente de mil sete-
cientos y trece, y
cumpliran en otro tal
dia del de mil Setecien-
tos y quarenta y tres.

Adjusted between Their
Britannick and Catho-
lick Majesties, for the
English Company's ob-
liging it self to supply
the *Spanish West-Indies*
with Black Slaves, for
the Term of Thirty
Years, to Commence
on the First Day of
May of this present
Year 1713. and to
End on the like Day
in the Year 1743.

EL REY. THE KING.

Introducion.



OR Quan-
to aviendo
terminado
el Assien-
to ajusta-
do con
la Compa-
ña Real

de Guineà, establecida en
Francia, de la introducion de
Esclavos Negros en las Indi-
as, y deseando entrar en esta
dependencia la Reyna de la
Gran Bretaña, y en su nom-
bre la Compañia de Inglaterra,
y en esta inteligencia estipula-



Hereas the Introducion
Assiento A-
greed on
with the
Royal Gui-
nea Compa-
ny, settled
in France, for the introducing
of Negro Slaves into the In-
dies, is determined, and the
Queen of Great Britain being
desirous of coming into this
Commerce, and in Her Name
the English Company, as is
stipulated in the Prelimina-
ries of the Peace, and that
B dose

*ass. co. in France
determined*

2 of Her M.

Prelim. art.

dose assi en el Preliminar de la Paz, para correr con este Assiento por tiempo, y espacio de treinta años; puso en su virtud en mis manos Don Manuel Manasses Gilligan, Deputado de su Magestad. Bretanica, un Pliego, dado para este efecto, de las quarenta y dos Condiciones, con que se avia de arreglar este Tratado; el qual mandè reconocer por una Junta de tres Ministros de mi Consejo de las Indias, para que visto por ella, me dixesse lo que en razon de cada capitulo, o condicion se le ofreciesse. Taviendolo executado assi, y quedando de esta especulacion, pendientes, y controvertibles muchos puntos, lo bolvi à remitir à otra Junta, y enterado yo de todo, y sin embargo de los reparos, que por ambas Juntas se expusieron, siendo mi animo concluir, y perfeccionar este Assiento, condescendiendo, y complaciendo en el, en todo lo possible, à la Reyna Bretanica, he venido por mi Real Decreto de doze de este presente mes en admitir, y aprobar las expresadas quarenta y dos Condiciones contenidas en el citado Pliego, en la forma que abaxo iràn expuestas, con mas la extension, que fuera de ellas he resuelto conceder motu proprio por el citado Decreto à esta Compania. Que todo es en la forma siguiente.

this Assiento should continue for the Time and Space of Thirty years; Don Manuel Menasses Gilligan, deputed by Her Majesty of Great Britain, did, in pursuance thereof, put into My Hands a Draught, made for that purpose, containing Forty two Articles, for the regulating this Contract; which I referred to the Consideration of a Junta of Three Ministers of My Council of the Indies, that upon perusal thereof, they might Report to Me what should occur to them upon each Article or Condition. Which being done, and several Points remaining upon this Examination undetermined and controverted, I referred it back to another Junta; and being fully informed of the whole Matter, notwithstanding the Objections made by both Junta's, it being My Intention to Conclude and Finish this Assiento, with all possible Condescension and Complacency towards the Queen of Great Britain, I have thought fit, by My Royal Decree of the Twelfth of this present Month, to Admit and Approve of the said Forty two Articles, contained in the forementioned Draught, in the manner hereafter specified, with the Enlargement, which over and above I have of My own free Will, resolved to Grant to the said Company by My said Decree. All which is in the manner following.

I. Pri-

Decree 12 May 1713.

Decree 12 May 1713

Enlargement. or add.

Item grants to the
the said Ship.
see 42^d Article.

ASSIENTO.

I.
S. M. B. se obliga, por las personas que señalará, de introducir en la America 14400 Piezas de Indias, en el tiempo de treinta años, que han de empezar a correr en primero de Mayo deste de 1713

I.

Primeramente, que para procurar por este medio una mutua, y reciproca utilidad à las dos Magestades, y Vassallos de ambas Coronas, ofrece, y se obliga su Magestad Britanica por las personas, que nombrará, y señalará para que corran, y se encarguen de introducir en las Indias Occidentales de la America, pertenecientes à su Magestad Catholica, en el tiempo de los dichos treinta años, que darán principio en primero de Mayo de mil setecientos y treze, y cumpliran en otro tal dia del que vendrá de mil setecientos y quarenta y tres; es à saber, ciento y quarenta y quatro mil Negros, piezas de Indias, de ambos sexos, y de todas edades, à razon en cada vno de los dichos treinta años de quatro mil y ochocientos Negros piezas de Indias, con la calidad, que las personas que passaren à las Indias à cuydar de las dependencias del Assiento, eviten todo escandalo; porque si lo dieren serán processados, y castigados en la misma forma que lo serian en España, si los tales delitos se cometiesen aqui.

I.

First then, to procure, by this means, a mutual and reciprocal Advantage to the Sovereigns and Subjects of both Crowns, Her British Majesty does Offer and Undertake for the Persons, whom She shall Name and Appoint, That they shall Oblige and Charge themselves with the bringing into the West-Indies of America, belonging to His Catholick Majesty, in the Space of the said Thirty Years, to Commence on the First Day of May, One thousand seven hundred and thirteen, and Determine on the like Day, which will be in the Year One thousand seven hundred and forty three, viz. One hundred and forty four thousand Negroes, Piezas de India, of both Sexes, and of all Ages, at the Rate of Four thousand and eight hundred Negroes, Piezas de India, in each of the said Thirty years, with this Condition, That the Persons who shall go to the West-Indies to take care of the Concerns of the Assiento, shall avoid giving any Offence, for in such Case they shall be Prosecuted and Punished in the same manner, as they would have been in Spain, if the like Misdemeanors had been committed there.

ASSIENTO.

I.
Her Britannick Majesty does Oblige Her self, for the Persons whom She shall appoint, to introduce 144000 Negros (Piezas de India) in the Spanish America, within the space of thirty Years, to begin on the First of May, 1713.

4800 piezas annually

Roman Religion
See 7 artic.

II.

Pagará a razón de treinta y tres pesos escudos, y vn tercio de otro de cada pieza de Indias, no siendo viejos, ni con defectos, por todos, y qualesquier derechos; y si algunos cobraren los Ministros, se avran de abonar, constando por testimonio.

II.

Que por cada Negro, pieza de Indias, de la medida regular de siete quartas, no siendo viejos, ni con defectos, segun lo practicado, y establecido hasta aqui en las Indias, pagarán los Assentistas treinta y tres pesos escudos de plata, y vn tercio de otro, en cuya cantidad se han de entender, y serán comprehendidos todos, y qualesquiera derechos, assi de Alcavala, Sisa, Union de Armas, Boqueron, como otros qualesquiera de entrada, y Regalia, que estuvieffen impuestos, o en adelante se impusieren pertenecientes a su Magestad Catholica, sin que se pueda pedir otra cosa; y que si algunos se cobrasen por los Governadores, Oficiales Reales, u otros Ministros, se ayan de abonar a los Assentistas en cuenta de los derechos que huvieren de pagar a su Magestad Catholica de los dichos treinta y tres pesos escudos de plata, y vn tercio de otro, en virtud de testimonio autentico, el qual no ha de poder negar ningun Escrivano a quien se pida por parte de los Assentistas, a cuyo fin se ha de expedir Cedula General, en la mas amplia forma.

II.

That for each Negro, *Pieza de India*, of the regular Standard of Seven Quarters, not being old or defective, according to what has been practised and established hitherto in the *Indies*, the Assentists shall pay Thirty three Pieces of Eight (*Escudos*) and One third of a Piece of Eight, in which Sum shall be accounted to be, and shall be comprehended, all and all manner of Duties of *Alcavala*, *Siza*, *Union de Armas*, *Boqueron*, or any other Duty whatsoever, of Importation or *Regalia*, that now are, or hereafter shall be imposed, belonging to His Catholick Majesty, so that nothing more shall be demanded; and if any should be taken by the Governors, Royal Officers, or other Ministers, they shall be made good to the Assentists, on account of the Duties which they are to pay to His Catholick Majesty of $33\frac{1}{3}$ Pieces of Eight, as aforesaid, the same being made appear by an Authentick Certificate, which shall not be denied by any Publick Notary, thereunto required on the part of the Assentists; for which purpose a General Order (*Cedula*) shall be issued in the most ample form.

II.

There shall be paid for all and all manner of Duties for the said Blacks, after the Rate of $33\frac{1}{3}$ Pieces of Eight, *Escudos*, for each *Pieza* (not being old or defective) and if any further Duties should be taken by the Officers, the same appearing by Certificate, shall be made good.

a Castilian yard
is 33 inches long

33

1/4 8 1/4

16 2/3

57 3/4

36 inches English
is a yard

18

54 1/2 feet

III. Que

III.

Anticipara
200j. pesos en
dos pagas igua-
les, de dos en
dos meses, para
extinguirlos en
los diez annos
ultimos a 20j.
pesos en cada
vno, del pro-
ducto de los
derechos.

III.

Que los dichos Assentistas anticiparán à su Magestad Catholica, para ocurrir à las urgencias de su Corona, dozientos mil pesos escudos, en dos pagas iguales, à razón de cien mil pesos cada vna, la primera dos meses despues que su Magestad aya aprobado, y firmado este Assiento; y la segunda cumplidos otros dos meses despues de la primera; cuya cantidad, assi anticipada, no han de poder reembolsar hasta que se ayan cumplido los veinte años primeros de este Assiento, quando podrán hazerlo prorrataadamente en los diez restantes, y ultimos, à razón de veinte mil pesos en cada vno, del producto del derecho de las piezas, que debieren satisfacer en dichos años.

III.

That the said Assentists shall advance to His Catholick Majesty, to supply the urgent Occasions of the Crown, Two hundred thousand Pieces of Eight (Escudos) in Two even Payments of One hundred thousand Pieces of Eight each, the First to be made Two Months after His Majesty shall have Approv'd and Sign'd this Assiento; and the Second at the end of two other Months next after the First Payment; which Sum so advanced, is not to be reimbursed before the end of the First Twenty Years of this Assiento, and then it may be deducted by equal Portions in the Ten last remaining Years, after the Rate of Twenty thousand Pieces of Eight yearly, out of the Produce of the Duty upon Negroes, which they are to pay in those Years.

III.

Two hundred thousand Pieces of Eight, shall be advanced in Two equal Payments, to be made at Two and Two Months, and to be repaid out of the Duties of the last Ten Years, at Twenty thousand Pieces of Eight yearly.

200,000.

IV.

Pagara en esta Corte la anticipacion, y los derechos de la introduccion, de seis en seis meses, por mitad.

IV.

Que ha de ser de la obligacion de los Assentistas de pagar la anticipacion expresada de dozientos mil pesos escudos en esta Corte; como tambien el importe de los derechos, de seis en seis meses, de la mitad de las piezas de Esclavos, que se capitulan en cada vn año.

IV.

That the Assentists shall be oblig'd to pay the afore-said Advance of Two hundred thousand Pieces of Eight, in this Court; as also from Six Months to Six Months, the Half of the Amount of the Duties payable for the Pieces of Slaves, which they have agreed to Import yearly.

IV.

The Money advanced shall be paid in the Court of Madrid, as well as of the Duties of Importation, from Six to Six Months, by equal Portions.

half yearly

V.

Las pagas de los derechos han de ser de los 4j. Negros, por ha-

V.

Que las pagas de los derechos se han de executar en la forma expresada en la

V.

That the Payments of the said Duties shall be made in the manner mention'd in the condi-

V.

The Payments of the Duties shall be only for Four thou-

verfible gracia
de los 800. en
cada vn año, en
atencion a no
abonarfe inter-
efter, ni riefgos.

condicion antecedente, fin a-
trasto, disputa, ni otra inter-
pretacion alguna; aunque
con la declaracion, de que
los dichos Assentistas no han
de estar obligados a satisfa-
cer mas de los que toca-
ren al numero de las qua-
tro mil piezas de Indias en
cada vn año, y no de las ocho-
cientas restantes; de las qua-
les, en todos los treinta años
de este Assiento, le ha de ha-
zer fu Magestad (como se
la haze) gracia, y donacion,
en la mejor via, y forma,
que pueda dezirse, en aten-
cion a los intereses, y ries-
gos, que debian bonificarse a
los dichos Assentistas, por
la paga, y anticipacion en
esta Corte de los derechos,
que corresponden a las qua-
tro mil piezas.

foregoing Article, without
any Delay or Dispute, or
without putting any other In-
terpretation upon it; yet
with this Declaration, that
the Assentists shall not be
oblig'd to pay the Duties for
more than Four thousand
Negroes (*Piezas de India*)
yearly, and not for the re-
maining Eight hundred, the
Duties payable for these last,
during the whole Thirty
Years of this Assiento, being
to be, as they are hereby
given and granted to them
the said Assentists, by His
Majesty, in the best Form
and Manner possible, in con-
sideration of the Risques and
Interest that ought to be
made good to the Assentists,
for the Money advanced, and
Payment in this Court of the
Duties for the said Four thou-
sand *Piezas*.

and Blacke,
those of Eight
hundred year-
ly, being remit-
ted, in regard
that there shall
not be any
thing made
good for the In-
terest or Risques
of the Money.

C: to pay for
but 4000 pieces
yearly.
the 800. why not for

VI.

Despues de
cumplido el
numero de las
4800. piezas de
Indias, podra
introducir mas
Negros en los
veinte y cinco
años primeros,
pagando diez y
seis pesos escu-
dos, y dos ter-
cios de otro, en
lugar de trein-
ta y tres, y vn
tercio, tambien
en esta Corte.

VI.

Que los dichos Assentistas
han de tener la facultad, des-
pues de introducidos los qua-
tro mil y ochocientos Negros
de su obligacion en cada año,
que si reconociesen ser ne-
cessario para el beneficio de
su Magestad Catholica, y de
sus Vassallos el introducir
mas numero de Negros, lo
han de poder executar, du-
rante los veinte y cinco años
primeros de este contrato;
porque en los cinco vltimos
no lo han de poder hazer de
mas que los quatro mil y o-
chocientos capitulados; con

VI.

That the said Assentists,
after they shall have Import-
ed the Four thousand eight
hundred Negroes yearly, ac-
cording to their Contract, if
they find it necessary for His
Catholick Majesties Service,
and that of His Subjects, to
Import a greater Number,
they shall have Liberty to do
it, during the first Twenty five
Years of this Contract; (for as
much as in the Five last Years
they shall Import no more
than the Four thousand eight
hundred agreed upon,) with
Condition, that they shall

VI.

After having
Imported Four
thousand eight
hundred *Pie-
zas*, a further
Number may
be carried, du-
ring the first
Five and twen-
ty Years, pay-
ing at *Madrid*
16 $\frac{2}{3}$ instead
of 33 $\frac{1}{3}$ Pieces
of Eight.

la calidad, que tan solamente ayan de pagar diez y seis pesos escudos, y dos tercios de otro de todos derechos, por cada pieza de Indias, que introduxeren, además de los quatro mil y ochocientos referidos, que es la mitad de los treinta y tres pesos escudos, y vn tercio, arriba expresados; y la paga de ellos avrá de ser tambien en esta Corte.

VII.

Hara la conduccion de sus Armazones en Navios Ingleses, o Espanoles, con la tripulacion correspondiente, que no ha de causar escandalo a la Religion Catholica, baxo las penas, que aqui se expresan.

VII.

Que los dichos Asientistas han de tener la libertad de emplear en este trafico, para la conduccion de sus Armazones, los Navios propios de su Magestad Britanica, y de sus Vassallos, o de otros, que pertenezcan a los de su Magestad Catholica, pagandoles sus fletes, y con la voluntad de sus dueños, tripulados de Marineria, Inglesa, o Española, a su eleccion; fiendo visto, que los Comandantes de los tales Navios, empleados por los Asientistas, ni tampoco los Marineros, han de causar ofensa, ni escandalo al exercicio de la Religion Catholica Romana, debaxo de la pena, y por las reglas impuestas en la condicion primera de este Asiento. Y asimismo ha de ser lícito, y han de poder los dichos Asientistas introducir los Esclavos Negros de su obligacion en todos los Puertos de los Mares del Norte, y de Buenos Ayres, en qualesquiera de

pay no more than Sixteen Pieces of Eight, and Two thirds of a Piece of Eight, for all Duties on each Negro, *Pieza de India*, which they shall Import, over and above the said Four thousand eight hundred, that being the Half of Thirty three Pieces of Eight, and One third abovementioned; and this Payment also shall be made in this Court.

VII.

That the said Asientists shall be at liberty to employ, in this Commerce for the carrying of their Cargoes, Her Majesty of Great Britain's own Ships, or those of Her Subjects, or any belonging to His Catholick Majesties Subjects, (paying them their Freight, and with the consent of their Owners) Navigated with *English* or *Spanish* Mariners, at their choice, care being taken that neither the Commanders of those Ships employ'd by the Asientists, nor the Mariners do give any Offence, or cause any Scandal to the exercise of the Roman Catholick Religion, under the Penalties, and pursuant to the Regulations establish'd by the 1st Article of this Asiento. And also it shall be lawful for the said Asientists, and they shall have power to introduce their Black Slaves contracted for into all the Ports of the North Sea and of Buenos Ayres, in any of

VII.

The Loadings of Blacks may be brought either in *English* or *Spanish* Ships, mann'd at the Choice of the Asientists, so as no Cause of Offence be given to the Catholick Religion, under the Penalties in this Article express'd.

Roman Religion
See 1. article

No Sea Ports & Buenos Ays

los

los referidos Navios, en la misma forma, que se ha concedido à otros Asientistas anteriores; aunque siempre debaxo de la seguridad, de que assi los Comandantes, como los Marineros, no han de dár escandalo à la Religion Catholica Romana, baxo de las penas ya exprestadas.

VIII.

Podrá introducir Negros en todos los Puertos del Mar del Norte, a donde huviere Oficiales Reales, o sus Tenientes; y en los de la Costa de Barlovento, Santa Marta, Cumana, y Maracaybo, no podrá venderlos a mas de treientos pesos.

VIII.

Que por quanto se ha experimentado de grave perjuizio à los intereses de su Magestad Catholica, y de sus Vassallos, el que no fuesse licito à los Asientistas de transportar sus Negros en todos los Puertos de las Indias generalmente; siendo cierto, que las Provincias, que carecian de ellos, experimentaban grandes miserias, por la falta de cultivo de sus tierras, y haciendas, de que resultaba la necesidad de valerse de todos los medios imaginables para adquirirlos, aunque fuesse con fraude; Es condicion expresse de este contrato, que los dichos Asientistas podrán introducir, y vender los dichos Negros en todos los Puertos del Mar del Norte, y en el de Buenos Ayres, à su eleccion, revocando su Magestad Catholica (como revoca) la prohibicion establecida en otros Asientos precedentes, para que solo entrassen en los Puertos señalados en ellos; con declaracion, que los dichos Asientistas no han de poder llevar, ni de-

the aforementioned Ships, in like manner as has been granted to any former Asientists; however always with this assurance, that neither the Commanders nor Seamen shall occasion any Scandal to the Roman Catholick Religion, under the Penalties already mention'd.

VIII.

That whereas Experience has shewn it to be very Prejudicial to the Interest of His Catholick Majesty, and His Subjects, that it hath not been lawful for the Asientists, to Transport their Negroes into all the Ports of India in general, (it being certain that the Provinces which have not had them, endured great Hardships for want of having their Lands and Estates cultivated, from whence arose the necessity of using all imaginable ways of getting them, even though it were fraudulently) it is made an expresse Condition of this Contract, that the said Asientists may import and vend the said Negroes in all the Ports of the North Sea, and that of Buenos Ayres at their choice, (His Catholick Majesty revoking, as he does revoke, the Prohibition contained in other former Asiento's, to import them into any other Ports, than those therein mention'd) with this Restriction, that the said Asientists may not import, or land any

VIII.

The Negroes may be Imported to all the Ports of the North Sea, where there are Royal Officers or their Deputies; and may also be carried to the Windward-Coast, Santa Martha, Cumana, and Maracaybo, Where they shall not be sold for more than 300 Pieces of Eight each.

*Prohibition
informar
esta revocada*

Pro
cin
m
pie
as
la
ch
ra
re
tro
las
de
les
alg
on
pa
y
ga
el
los
ob
pa
de

sembarcar Negro alguno, fino en los Puertos à donde huviere Oficiales Reales, ò Tenientes de ellos, que puedan visitar los Navios, y sus Cargazones, y dâr certificacion de los Negros, que se introduxeren. Y assimismo se declara, que los Negros, que se llevaren à los Puertos de la Costa de Barlovento, Santa Marta, Cumanà, y Maracaybo, no podrán vender los dichos Assentistas mas que à razon de trecientos pesos cada vno; y de aqui abaxo al menor precio, que fuere posible, para alentar à aquellos Naturales à comprarlos; pero por lo que toca à los demás Puertos de Nueva-España, sus Illas, y Tierra-Firme, será licito à dichos Assentistas venderlos al mejor precio que pudieren.

IX.

Podrá introducir cada año mil y dozientas piezas de Indios por el Rio de la Plata, las ochocientas para Buenos Ayres, y las quatrocientas para las Provincias de arriba; y se les señalaran algunas porciones de tierra para el cultivo, y crianza de ganados, para el sustento de los Negros sin obligacion de pagar por ella derecho alguno.

IX.

Que estando permitido à los dichos Assentistas de introducir sus Negros en todos los Puertos del Mar del Norte, por las razones deducidas, en la condicion antecedente, queda tambien prevenido, que lo han de poder hazer en el Rio de la Plata, permitiéndoles su Magestad Catholica, que de las quatro mil y ochocientas piezas, que conforme à este Assiento deben introducir cada año, en consideracion de las ventajas, y Beneficios, que se seguirán à las Provincias vezinas, de introducirse en el dicho Rio de

Negro, except in those Ports where there are Royal Officers, or their Deputies, who may search the Ships and their Cargoes, and certifie the Number of Negroes that are Imported. And it is provided at the same time, that the Negroes which are carried to the Ports of the Windward Coast, *Sancta Martha, Cumana, and Maracaybo*, shall not be sold by the said Assentists, for more than after the Rate of Three hundred pieces of Eight each, and for as much less as is possible, to encourage the Inhabitants of those Places to buy them; but as to the other Ports of *New Spain*, its Islands, and *Terra-Firma*, it shall be lawful for the said Assentists to sell them at the best Prices they shall be able to get.

IX.

That the said Assentists being allowed, for the Reasons mention'd in the foregoing Article, to import their Negroes into all the Ports of the *North Sea*, it is also Agreed that they shall have power to do it in the River of *Plata*. His Catholick Majesty allowing them out of the Four thousand Eight hundred Negroes, which pursuant to this Assiento they are to import Yearly, (in Consideration of the Advantages and Benefits that will thereby accrue to the Neighbouring Provinces) to bring into the said River

C

*where C^o may send Neg
At off^r or dep^t*

Windw^d Coast

300.

*New Spain i.e. Lampuque
Guatemala & Vera Cruz
Terra-firme - i.e. Santiago
& Pello*

IX.

1100 Pieces may be carried yearly to the River of *Plata*, 800 for Buenos Ayres, and the other 400 for the neighbouring Provinces, and a Tract of Land shall be set out for Tillage and breeding of Cattle, for the Subsistence of the Agents, Negroes, &c. and for which no Duty shall be paid.

la

la Plata, ò Buenos Ayres, en cada vno de los treinta años deste Assiento, hasta el número de mil y dozientas de ellas, piezas de Indias, de ambos sexos, para venderlos allí, al precio que pudieren, repartidas en quatro Navios, capaces de conducir las; las ochocientas de ellas para ser vendidas en Buenos Ayres, y las quatrocientas restantes, para que puedan internar, y servir para las Provincias de arriba, y Reyno de Chile, vendiendolas à los Naturales, si baxaren à comprarlas à dicho Puerto de Buenos Ayres; con declaracion, que su Magestad Bretanica, y los Assentistas en su nombre, puedan tener en dicho Rio de la Plata algunas porciones de tierra, que su Magestad Catholica avrá de señalar, ò assignar, conforme à lo estipulado en los Preliminares de la Paz, desde que este Assiento empieze à correr, capaces de poder plantar, cultivar, y criar ganados en ellas, para el sustento de los dependientes de este Assiento, y de sus Negros, siendole permitido de fabricar en ella casas de madera, y no de otro material; y que tampoco han de poder levantar tierra, ni hazer la mas leve fortificacion: Y que asimismo su Magestad Catholica ha de señalar vn Oficial de su satisfaccion, Vassallo suyo, que resida en el expressado terreno, baxo

of Plata or Buenos Ayres, in each of the said Thirty Years of this Assiento, to the Number of One thousand and Two hundred of those *Piezas de India* of both Sexes, to sell them there at such Prices as they shall be able, Shipping the same in Four Vessels, large enough to carry them; Eight hundred of them to be disposed of at *Buenos Ayres*, and the remaining Four hundred may be carried into, and serve for the Provinces above, and Kingdom of *Chili*, selling them to the Inhabitants, if they will come to buy them in the said Port of *Buenos Ayres*; It being hereby declared, that Her *Britannick* Majesty, and the Assentists in Her Name, may hold in the said River of *Plata* some parcels of Land, which His Catholick Majesty shall appoint or assign, pursuant to what is stipulated in the Preliminaries of the Peace, from the time of the Commencing of this Assiento, sufficient to plant, to cultivate, and breed Cattle therein, for the subsistence of the Persons belonging to the Assiento, and their Negroes; they shall be allowed to build Houses there of Timber, and not of any other Materials, and they shall not throw up the Earth, nor make any the least (or slightest) Fortification: And His Catholick Majesty shall also ap-
de

Preliminaries

Prelim.

de cuyo mando han de estar en lo respectivo à dicho terreno ; y por lo demás tocante al Asiento, à la de el Gobernador, y Oficiales Reales de Buenos Ayres sin que por razon del dicho terreno ayan de pagar derechos algunos, durante el tiempo de dicho Asiento, y no mas.

point an Officer, to His satisfaction, one of His own Subjects, who shall reside upon the aforementioned Lands, under whose Command are to be all such things as relate to the said Lands; and all other matters that concern the Asiento, shall be under that of the Governor and Royal Officers of *Buenos Ayres*, and the Asientists shall not, on Account of the said Lands, be oblig'd to pay any Duties during the time of the said Asiento, and no longer.

X.

Podra fletar en Panama, y otros Puertos del Mar del Sur, Embarcaciones para transportar los Negros al Peru ; llevar de Europa los pertrechos para mantenerlas, y traer de buelta de su producto oro, plata, y demas frutos.

X.

Para conducir, è introducir los Esclavos Negros en las Provincias del Mar del Sur, se ha de conceder (como se concede) facultad à los Asientistas de fletar, ya sea en Panamá, ò otro qualquier Astillero, ò Puerto del Mar del Sur, Navios, y Fragatas de à quatrocientas toneladas, poco mas, ò ménos, en que poderlos embarcar desde Panamá, y llevarlos à todos los demás Puertos del Perú, y no à otros por esta parte, tripularlos de Marineria, y nombrar Oficiales de Mar, y Guerra à su voluntad, y traer de buelta el producto de la venta de ellos al dicho Puerto de Panamá, assi en frutos de la tierra, como en reales, barras de plata, y tejos de oro, sin que se les pueda obligar à pagar derechos algunos de la plata, y oro que conduxeren, assi de

X.

In order to the carrying and introducing of Black Slaves into the Provinces of the *South-Sea*, Liberty is to be granted, as it is hereby granted to the Asientists, to freight either at *Panama* or in any other Dock or Port of the *South-Sea*, Ships or Frigates of about Four hundred Tons, little more or less, on board which they may Ship them at *Panama*, and carry them to all the other Ports of *Peru*, and no others on that side, and to man those Ships with such Seamen, and appoint such Officers, both Military and for Sea, as they shall think fit, and may bring back the Produce of the Sale thereof to the said Port of *Panama*, as well in Fruits of the Country, as in Money, Bars of Silver, or Ingots of Gold, and so as they may not be oblig'd

X.

Vessels may be freighted in *Panama*, and other Ports of the *South-Sea*, for Transporting the Blacks to *Peru*; and Naval Stores may be carry'd from *Europe*, for the maintaining of the said Vessels, and the Proceeds of the Blacks may be brought back in Gold, Silver, and other Effects.

Internacion

Internation Street
to Pan. & thence to the
Ports of Peru.

This shows that Money
sho. not be hindred
coming from Peru

entrada, como de salida, siendo quintados, y sin fraude, constando ser del producto de Negros; porque han de ser libres de todo genero de derechos, en la misma forma que si los dichos reales, barras de plata, y tejos de oro, perteneciesen à su Magestad Catholica: Y asimismo se concede la permission à dichos Assentistas de embiar de Europa à Portovelo, y desde Portovelo à Panamá, por el Rio Chagre, ò por Tierra, cordelage, velas, fierro, maderá, y juntamente todos los demás pertrechos, y provisiones necessarias para dichos Navios, Fragatas, ò Barcos Luengos, y su manutencion; con la advertencia, que no han de poder vender, ni comerciar los dichos pertrechos, en todo, ni en parte, debaxo de ningun pretexto, qualquiera que sea; porque en tal caso se han de dar por confiscados, y castigar, segun fuere de justicia, à los compradores, y vendedores, quedando para desde alli en adelante, privados absolutamente los Assentistas de esta permission, à menos de que constasse aver tenido licencia de su Magestad Catholica para la dicha venta. Y se previene, que cumplido el tiempo de este Assiento, no han de poder los dichos Assentistas vsar de los dichos Navios, Fragatas, ò Barcos, para conducirlos à la Europa, por los inconvenientes, que se podrian seguir.

to pay any Duties for the Silver or Gold, which they shall bring either upon Importation or Exportation, it being Stamped, and without fraud, and appearing to be the Produce of the Negroes, for that the same is to be free of all sorts of Duties, in the same manner as if the said Money, Bars of Silver, and Ingots of Gold, belonged to his Catholick Majesty: And likewise leave is granted to the said Assentists to send from *Europe* to *Portobello*, and from *Portobello* to *Panama*, by the River *Chagre*, or by Land- Carriage, Cables, Sails, Iron, Timber, and likewise all other Stores and Provisions, necessary for the said Ships, Frigats, or Barcoluengo's, and for the maintaining the same; provided that they shall not be allowed to Sell, or Trade in the said Stores, in the whole nor in part, under any pretence whatsoever; for that in such case they shall be confiscated, and as well the Buyers as the Sellers, shall be punished according to Law, and the Assentists, shall be, from that time forward, absolutely deprived of this Privilege, unless it shall appear that they had obtained leave for the Sale thereof from His Catholick Majesty. And it is farther provided, that when the Term of this Assiento is ended, the said Assentists shall not be allow'd to make use of

the said Ships, Frigats, or Barks, to carry them to *Europe*, because of the Inconveniencies that might ensue.

XI.

Podra valerfe de Ingleses, o de Espanoles, para el manejo de este Afiento, no excediendo de quatro a seis en cada Puerto, fiendo Ingleses, que seran tratados como los Vassallos.

XI.

Podrán los dichos Assentistas servirse de Ingleses, ò Españoles, à su eleccion, para el manejo, y gobierno de este Afiento, assi en los Puertos de la America, como en los demás Lugares de la tierra adentro, derogando su Magestad Catholica, para este caso, las leyes, que prohiben la entrada, ò vezindad en ella à los Estrangeros; y declarando, y mandando, que los Ingleses ayan de ser atendidos en todo el tiempo de él, y tratados como Vassallos de la Corona de España, con la prevencion de que en ninguno de los referidos Puertos de las Indias podrán vivir mas de quatro, ò seis Ingleses; de cuyo numero podrán los dichos Assentistas elegir los que les pareciere, y necesitaren de embiar la Tierra adentro, adonde fuere permitido internar los Negros para el manejo, y recobro de este negocio; lo qual executarán en la forma mas conveniente, y que mejor les estuviere, baxo las reglas prevenidas en la condicion primera, sin que sean impedidos, ni embarazados por ningun Ministro Politico, ò Militar, de qualquier grado, ò calidad que sea, debaxo de ningun pretexto, si no se opusiese lo que se intentare à

XI.

The said Assentists may make use of *English* or *Spaniards* at their choice, for the Management and Direction of this Assiento, as well in the Ports of *America*, as in the Inland Places, His Catholick Majesty dispensing for that end, with the Laws which forbid Strangers entring into or inhabiting in that Country; Declaring and Commanding that the *English*, during the whole time of this Assiento, shall be regarded and treated as if they were Subjects of the Crown of *Spain*, with this Restriction, that, there shall not reside in any one of the said Ports of the *Indies*, more than Four or Six *Englishmen*; out of which Number the said Assentists may chuse such as they shall think fit, and shall have occasion to send up into the Country, where Negroes are allow'd to be carried, for the Management and Recovery of their Effects; which they shall perform in the most convenient manner, and that which they shall think best, under the Regulation mentioned in the 1st Article, without any Hindrance or Disturbance from any Ministers Civil or Military, of what Degree or Quality soever, under any pretence, unless

XI.

English Men or Spaniards may be employ'd in the Management of this Assiento, so as there shall not be more than 4 or 6 English in any Port, who shall be treated as the Kings Subjects.

las leyes establecidas, ni à lo
contenido en este Asiento.

less they can be charg'd with
acting contrary to the esta-
blished Laws, or to the Con-
tents of this Asiento.

XII.

Publicada la
Paz podra em-
biar dos Navios
de Guerra con
los Factores, y
dependientes,
que han de de-
sembarcar en
los Puertos
de la permisi-
on; y una Em-
barcacion me-
diana para lle-
var los de Bu-
enos Ayres.

XII.

Que para el mejor gobier-
no de este Asiento se ha de
servir su Magestad Catholica
de conceder, que su Magestad
Bretanica pueda embiar, lu-
ego que se aya publicado la
Paz, dos Navios de Guerra
con los dichos Factores, Ofi-
ciales, y demàs dependientes,
que se han de emplear en
servicio de el, explicando
antes los nombres de vnòs, y
otros, para que se desembar-
quen en todos los Puertos de
la permission, à donde se hu-
vieren de establecer, y arre-
glar las factorias, assi para
que hagan el viage con may-
or seguridad, y conveniencia,
como para prevenir lo neces-
fario à la recepcion de las Em-
barcaciones, que fueren con
Negros; porque debiendo
irlos à tomar en las Costas de
Africa, y desde alli transpor-
tarse à los Puertos de la Ame-
rica Española, fuera muy de-
sacomodado à los Factores, y
dependientes el embarcarse en
ellas, sobre ser inutil, como
es indispensable que antes
estèn prevenidas calas para su
habitacion, y las demàs pro-
videncias, que se dexan con-
siderar; y que para conducir
el Factor, y demàs dependi-
entes à Buenos Ayres, se con-
ceda vna Embarcacion media-
na; con declaracion, que assi

XII.

That for the better Manage-
ment of this Asiento, His
Catholick Majesty will be
pleased to grant, that as soon
as the Peace is Proclaim-
ed, Her *Britannick* Majesty
may send Two Ships of War,
with the said Factors, Officers
and others, who are to be
employed in this Service,
giving first a List of the
Names, both of the one and
the others, that are to go a-
shore in all the Ports, where
they shall be allowed to set-
tle and regulate their Facto-
ries, as well that they may
go with the greater conveni-
ency and security, as that
they may provide all things
necessary for the receiving
the Vessels that shall go with
Negroes, which being oblig'd
to go to take the Blacks in
upon the Coast of *Africa*,
and thence Transport them
to the Ports of the *Spanish A-*
merica, it would be very In-
commodious as well as Un-
profitable, for the Factors
and others employ'd, to go
on Board the Ships made use
of in those Voyages, and yet
it is indispensably necessary
that Houses be prepared be-
fore-hand for them to dwell
in, and all other Provisions
made which they shall want;
and for the Transporting of

XII.

After the Pub-
lication of the
Peace, two Men
of War may be
sent with the
Factors and
Servants, to
land them in
the several
Ports; and a
Vessel of mid-
ling Burthen
to carry those
design'd for
Buenos Ayres.

esta,

esta, como los dos Navíos de Guerra, han de ser visitados, y fondeados en los Puertos por los Oficiales Reales; y que han de poder comissar los generos, si los llevaren; y que para su retorno se les den los bastimentos que necesitaren, pagandolos por su justo precio.

the Factors, and others, belonging to the Company, to *Buenos Ayres*, a Vessel of a midling Burthen shall be allowed; and it is hereby declared, That as well this Vessel, as the Two Ships of War, are to be visited and searched in the several Ports by the Royal Officers, who may seize their Merchandize, if they carry any; and farther the said Ships shall be furnished with necessary Provisions for their return, at a reasonable Rate.

XIII.

Podra nombrar Juezes Conservadores en los Puertos, y Lugares principales de la America, removerlos con justificada causa, y senalarles los salarios, que le pareciere; al Presidente del Consejo, que sea Protector, y al Ministro que del propusiere, que sea su Juez Conservador Privativo.

XIII.

Podrán los dichos Asientistas nombrar en todos los Puertos, y Lugares principales de la America, Juezes Conservadores, que lo sean de este Asiento, a los quales han de poder remover, quitar, y nombrar otros, a su arbitrio, en la forma que se concedió en la condicion octava de los Portugueses, aunque siempre avrá de preceder causa justificada para ello ante el Presidente, Governador, o Audiencia de aquel territorio, para que aprobada por vnos, u otros, se haga el nombramiento en Ministro de su Magestad Catholica, y se les ha de conceder el privativo conocimiento de todas las causas, negocios, y dependencias de este Asiento, con plena autoridad, y jurisdiccion, Y inhibicion de Audiencias, Ministros, y

XIII.

The said Asientists may Nominate, in all the Ports and Chief Places of *America*, Judges Conservators of this Asiento, whom they may remove and displace, and appoint others at pleasure, in the manner allow'd to the *Portuguese* in the Eighth Article of their Asiento, provided always that they shew a justifiable Cause for their so doing, before the President, Governor, or Audience of such District, which shall be by them respectively approved, so as this Nomination may fall on some of His Catholick Majesties Ministers; which said Judges are to have cognizance, exclusive of all others, of all Causes, Affairs and Suits, relating to this Asiento, with full Authority and Jurisdiction: All Audiences, Ministers and Tribunals, Pre-

XIII.

The Asientists may name Judges Conservators in all the Ports and Principal Places of *America*, and remove them upon a justifiable Cause, and appoint such Salaries as they shall think fit, and an Appeal to lie only to the Supreme Council of the *Indies*, the President of that Council shall be their Protector, and a Minister of the same, whom the Asientists shall propose, shall be their Judge Conservator, exclusive of all others.

Tribunales, Presidentes, Capitanes Generales, Gobernadores, Corregidores, Alcaldes Mayores, y otros qualesquiera Juezes, y Justicias, en que han de ser comprehendidos los Virreyes de aquellos Reynos; porque solo han de tener el conocimiento de estas causas, y sus incidencias los dichos Juezes Conservadores; de cuyas sentencias solo se podrá apelar, en los casos por Derecho permitidos, para el Supremo Consejo de las Indias; con calidad, que los referidos Juezes Conservadores no han de poder pedir, ni pretender mayores salarios de los que los Asientistas tuvieren por bien de señalarles por esta incumbencia; y que si alguno cobrasse demas, ha de mandar su Magestad Catholica que se restituya; y juntamente se le ha de conceder, que el Presidente, o Gobernador, que es, o fuere de el dicho Consejo, o el Decano de el, sea Protector de este Asiento; y que tambien puedan proponer vn Ministro del mismo Consejo, el que les pareciere mas conveniente, para que sea su Juez Conservador Privativo, con aprobacion de su Magestad Catholica, en la forma que se ha practicado en los Asientos antecedentes.

sidents, Captains General, Governors, Corregidores, Great Alcaldes, and other Judges and Justices whatsoever, the Vice-Roys of those Kingdoms included, being forbidden to meddle therewith, forasmuch as the said Judges Conservators are alone to have the Cognizance of these Causes and their Incidents, from whose Sentences an Appeal (in such Cases as the Law allows) shall lye to the Supreme Council of the *Indies*, with this Condition, that the said Judges Conservators may not demand or pretend to greater Salaries than those the Asientists shall think good to allow them for that Service; and if any of them exact any more, His Catholick Majesty will order it to be restored; He will also grant that the President or Governor of the said Council for the time being, or the Decano (eldest Member) thereof, shall be Protector of this Asiento; and also that they may propose a Minister of the same Council, (whom they shall think most proper) to be their Judge Conservator, exclusive of all others, with His Catholick Majesties Approbation, in like manner as has been done in former Asiento's.

XIV.
No podran los Virreyes, Audiencias, Presidentes, Gobernadores, ni otro Ministro alguno, detener los Navios de este Asiento con ninguna causa, ni pretexto.

XIV.
No han de poder los Virreyes, Audiencias, Presidentes, Capitanes Generales, Gobernadores, Oficiales Reales, ni otro Tribunal, o Ministro alguno de su Magestad Catholica, embargar, ni detener los Navios de este Asiento, ni embarazarles su viage, con ningun pretexto, causa, ni motivo, aunque sea para armarlos en Guerra, o por otro designio; antes bien seràn obligados de hazerles dár todo el favor, asistencia, y socorro, que los dichos Asientistas, o sus Factores, les pidieren para la mejor expedicion, despacho, y carga de dichos sus Navios; y asimismo los viveres, y demàs cosas de que necesitaren para su mas breve avio, à los precios que fueren corrientes; con apercibimiento, y baxo de la pena, que los que hizieren lo contrario seràn obligados por si propios à resarcir, y satisfacer todos los daños, y perjuizios, que por el embargo, o detencion se siguiere à los dichos Asientistas.

XV.
Tampoco podran embargar, ni valerse de bienes, o efectos pertenecientes a el Asiento, ni visitar las casas de los Factores,

XV.
Tam poco han de poder los Virreyes, Presidentes, Capitanes Generales, Gobernadores, Corregidores, Alcaldes Mayores, Juezes, y

XIV.
It shall not be lawful for the Vice-Roys, Audiencias, Presidents, Captains General, Governors, Royal Officers, or other Tribunal or Minister whatever, of His Catholick Majesty, to lay an Embargo on, or detain the Ships belonging to this Asiento, nor to hinder them in their Voyages, under any pretence, or for any cause or motive whatever, even though it should be to fit them out for War, or upon any other design; but on the contrary, they shall be obliged to afford them all the Favour, Assistance and Succour, that the said Asientists or their Factors shall desire, for the more speedy fitting out, dispatching and lading of their said Ships; and likewise the Victuals and all other things they shall stand in need of, for forwarding their Voyages, at the Current prices, with this warning, and under this penalty, that those who do otherwise, shall be obliged at their own proper costs, to make good and satisfy all the Damages and Losses, which the Asientists may sustain by such Impediment or Derention.

XV.
Neither shall the Vice-Roys, Presidents, Captains General, Governors, Corregidores, Great Alcaldes, Judges, and Royal Officers, D

XIV.
The Vice-Roys, Governors, &c. may not detain the Ships of this Asiento upon any pretence, but shall give their Aid and Assistance.

XV.
Neither shall the said Vice-Roys, Governors, &c. lay an Embargo on, or Seize any of the Effects belonging to this Asiento, nor

sino es en el caso de averse justificado alguna introducción prohibida, en que avra de concurrir el Juez Conservador.

Oficiales Reales, ni otro Tribunal, ni Oficial alguno, tomar, sacar, retener, ni embargar, con violencia, ni en otra manera alguna, debaxo de ningun pretexto, causa, ni motivo, por virgente que sea, caudales, bienes, y efectos algunos, procedidos de este Asiento, ò pertenecientes à dichos Asientistas, pena de que serán castigados, y que pagarán de sus propios bienes los daños, y perjuizios, que por esta razon les huvieren ocasionado. Y asimismo no han de poder los referidos Ministros visitar las Casas, y Almacenes de los Factores, y demas dependientes del Asiento, que deben gozar de este privilegio, y exemption, por evitar el escandalo, y descredito, que resulta de semejantes diligencias; sino es en el caso que se huviesse justificado alguna introducción de fraude, y prohibida; en el qual se podran executar las vistas, con la asistencia precisa del Juez Conservador, quien avra de evitar los extravios, y sustracciones, que suelen experimentar se del crecido numero de Soldados, y Ministros que concurren, sintiendo, que si se aprehendieren algunos generos, sean comissados, pero no los caudales, ni efectos del Asiento, que han de quedar libres, y si los Factores

or any other Tribunal or Officer whatsoever, take, seize, detain, or lay an Embargo by violence, or in any other manner, under any pretence, or for any cause or motive whatsoever, (though never so urgent) on any of the Stock, Goods and Effects, that are the Produce of this Asiento, or belonging to the Asientists, under the penalty of being punished, and paying, out of their own Estates, the Damages and Losses that shall accrue thereby: Nor shall the said Ministers search the Houses or Ware-houses of the Factors or others belonging to this Asiento, who are to enjoy this Privilege and Exemption, to prevent the scandal and discredit that attend such Proceedings; unless in case it shall have been proved that there has been some fraudulent and prohibited Importation, and then they may be searched, with the Assistance of the Judge Conservator, herein absolutely required, who shall take care to prevent Pilferings and Embezlements, that use to happen by the great Number of Soldiers and Officers, that crowd to such places on those occasions; It being agreed, That if any such Goods are found, they may be seized, but not the Stock or Effects of the Asiento, which are to continue

Search the Houses of the Factors, except on proof of some unlawful Importation, and then with the Concurrence of the Judge Conservator.

Por
fu
M
rie
O
ne

Por
ret
tas,
u o
de
su l
que
libr
der
trad
na,
quie
ordi
trac

fueren los complices del delito, se avrà de dár cuenta à la Junta para el castigo. nue free; and if the Factors are concern'd in such Offences, an account thereof shall be given to the Junta, that they may be punished.

XVI.

Podrá tener en su servicio los Marineros, Arrieros, y demas Oficiales que necesitare.

XVI.

Que los dichos Assentistas, sus Factores, y demás dependientes en Indias, podrán tener en su servicio los Marineros, Arrieros, y Oficiales de trabajo, que necesitaren para cargar, y descargar sus Navios, y Embarcaciones, ajustandose con ellos voluntariamente, y pagandoles los salarios, ò estipendios en que huvieren convenido.

XVI.

That the said Assentists, their Factors, and others belonging to them in the Indies, may employ in their Service such Mariners, Carriers, and Workmen, as they shall have occasion for, to load and unload their Ships and Vessels, upon a voluntary Agreement made with them, and paying them such Salaries and Stipends as they shall have agreed for.

XVI.

The Assentists may Employ what Seamen, Workmen and Carriers they please.

XVII.

Podrá cargar sus retornos en Flotas, o Galeones, u otros Navios de Guerra de su Magestad, que han de ser libres de todos derechos de entrada en España, y de qualquier indulto, ordinario, u extraordinario.

XVII.

Que los dichos Assentistas han de tener facultad de cargar à su eleccion los efectos que tuvieren en las Indias, sobre los Navios de Flotas, ò Galeones, para traerlos à la Europa, ajustando su flete con los Capitanes, y dueños de dichos Navios, ò sobre los propios de este Assiento; los quales podrán venir de conserva, si lo tuvieren por conveniente, con dichas Flotas, y Galeones, u otros Navios de Guerra de su Magestad Catholica, quien se ha de servir de mandar à vnos, y à otros, que precisamente los admitan, y traygan debaxo de su Proteccion, y Salvaguardia; con advertencia, que no se les ha de repartir cantidad alguna, por razon

XVII.

That the said Assentists shall have liberty to load, at their choice, the Effects they may have in the Indies, upon the Ships of the Flota or the Galeons, to bring them into Europe, agreeing for the Freight with the Captains and Owners of the said Ships, or upon the Vessels belonging to the Assiento; which if they think it convenient, may come under Convoy with the said Flotas and Galeons, or other Ships of War belonging to His Catholick Majesty, who will be pleas'd to lay his express Commands, both upon the one and the other of them, to admit and take them under their protection and safe-guard, with this warning, that no Sum what

XVII.

The Returns may be made in Flotas, Galeons, or Ships of War of the King of Spain, or in the Assentists own Ship, and shall be free of all Duties on Import in Spain, and Indultoes; but shall not bring in their Ships, any Passengers, Subjects of the King of Spain, or their Effects.

de indulto ordinario, ni extraordinario, y de venir en conserva de dichas Flotas, y Galeones; y que los efectos que vinieren en ellos con justificacion instrumental de pertenecer a los Asientistas, han de ser libres de todos, y qualesquiera derechos de entrada en España, por deberse considerar sus caudales con el mismo privilegio, que si fueran de su Magestad Catholica; y prohibiendo, que en los expresados Navios del Asiento, que vengan en dichas conservas, no puedan traer ningun Pasajero Español, ni caudales de Vassallos de su Magestad Catholica.

ever be demanded of them, by way of Ordinary or Extraordinary Indulto, or for their coming in Company with the said Fleet or Galeons; and that the Effects which shall come in them, and shall appear, by an Authentick Writing, to belong to the Asientists, shall be free of all Duties whatsoever, on their Importation in Spain, seeing their Stock is to be looked upon to have the same Privilege as if it belonged to His Catholick Majesty; and it is forbid, that the said Ships belonging to the Asiento (which may come in Company with the Flotas) do bring on Board them any *Spanish* Passenger, or any Effects of any Subject of His Catholick Majesty.

XVIII.

Desde el primer día de Mayo de mil setecientos y treze no podrá la Compañia de Francia, ni otro alguno, introducir Negros, para que se daran por perdidos a favor de la de Inglaterra, cuyos Factores podrán visitar las Embarcaciones, que llegaren a las Costas con permiso, y autoridad de los Gobernadores.

XVIII.

Que desde el dia primero de Mayo de el presente año de mil setecientos y treze, hasta que se aya tomado possession de este Asiento, ni despues de averse tomado, no podrá la Compañia de Guinea de Francia, ni otra persona alguna, introducir ningun Esclavo Negro en las Indias; y en caso de hazerlo, su Magestad Catholica los ha de declarar (como por la presente condicion declaran) por confiscados, y perdidos en favor, y beneficio de estos Asientistas; los quales han de quedar con la obli-

XVIII.

That from the First Day of May of this present Year 1713, till they shall have taken Possession of this Asiento, nor after their taking such Possession, it shall not be lawful for the *French Guinea Company*, or any other Person whatsoever, to introduce any Negro Slave into *India*; and if they do, His Catholick Majesty will declare, as by this present Article He does declare, them to be Confiscated and Forfeited, in favour, and for the Benefit of these Asientists, to whom they shall remain,

XVIII.

From the First of May, 1713. neither the *French Company*, nor any other Person, shall Import Blacks, under Penalty of forfeiture to this Company, whose Factors may, with the Leave and Authority of the Governors, search the Vessels that shall arrive upon the Coast.

gacion

gacion de pagar los derechos de los Negros, que se huvieren introducido contra el tenor de esta condicion, en la forma, que por este contrato queda arreglado, y establecido, aviendose de despachar despues que este firmado en toda forma, ordenes circulares à la America, para que en ninguno de sus Puertos se admitan Negros de cuenta de la Compania de Francia, à cuyo Apoderado se le avrà de notificar; Y para hazerle mas efectivo, y vtil à la Real hazienda, se previene, que quando los dichos Assentistas tuvieren noticia de aver llegado sobre las Costas ò entrando en qualquier Puerto de las Indias algun Navio con Negros, que no sean del Assiento, han de poder aprestar, armar, y despachar luego los que tuvieren propios, ò bien pertenecientes à su Magestad Catholica, ò à sus Vassallos, con quienes se avrán de convenir para tomar, embargar, y confiscar à los tales Navios, y sus Negros, de qualquiera Nacion, ò persona à quien pertenezcan; à cuyo fin han de tener dichos Assentistas, y sus Factores la libertad de reconocer, y visitar todos los Navios, y Embarcaciones, que llegaren à las Costas de las Indias, ò en sus Puertos, en los quales aya fundada razon, ò motivo de sospechar

they being obliged to pay the Duties for the Negroes thus Imported contrary to this Article, as are Regulated and Settled by this Contract, for which purpose, so soon as it is sign'd, Circular Orders, in the most ample form, shall be dispatch'd to *America*, that there be not any Negroes for the account of the *French* Company admitted into any of the Ports, to whose Agent the same shall be notify'd; and that this may be the more effectual and advantageous to the Royal Revenue, it is Agreed, that when the said Assentists shall have notice that any Ship with Negroes (not belonging to them) is come upon the Coast, or entred into any Port; they may fit out, arm, and send out immediately such Vessels as they shall have of their own, or any others belonging to His Catholick Majesty, or His Subjects, with whom they shall Agree, to Take, Seize, and Confiscate such Ships and their Negroes, of whatever Nation or Person they be, to whom the same shall belong; to which end the said Assentists, and their Factors, shall have liberty to take cognizance of, and search all Ships and Vessels that shall come upon the Coasts of *India*, or into its Ports, in which they shall have reason to believe or suspect, that
que

que ay Negros de contravando: bien entendido, que para executar las visitas, reconocimientos, y las demás diligencias, que vãn expresas, ha de preceder el permiso de los Gobernadores, à quienes se avrà de comunicar, y pedirles, que interpongan su autoridad, entendiendose, que para la execucion de todo esto, y dar principio à este Assiento, ha de aver precedido primero la publicacion de la Paz.

XIX.

Su Magestad mantendra todas las condiciones deste Assiento debaxo de su Fee, y Palabra Real.

XIX.

Que los dichos Assentistas, sus Factores, y Apoderados, han de poder navegar, è introducir los Esclavos Negros de su obligacion en todos los Puertos del Norte de las Indias Occidentales de su Magestad Catholica, incluso el Rio de la Plata, con prohibicion à todos los demás, yà sean Vassallos, ò Estrangeros de la Corona, de transportar, ni introducir Negros algunos, debaxo de las penas establecidas por leyes, que comprehenden este contrato; y su Magestad Catholica se obliga, con su Fee, y Palabra Real, à mantener à los dichos Assentistas en la entera, y plena possession, y observancia de todas las condiciones de èl, durante el tiempo que se capitula, sin permitir, ni dissimular cosa alguna, que se oponga à su puntual, y exacto cumplimiento, por considerarle su

there are Contraband Negroes: Provided always that for the making of such Searches, Visits, and other Proceedings before mention'd, they shall first have leave from the Governors, to whom they shall communicate what occurs, and desire them to interpose their Authority; Provided that Peace shall be proclaimed before any thing of this can be done, or this Assiento take place.

XIX.

That the said Assentists, their Factors and Agents, shall have power to Navigate and Import their Negro Slaves, according to their Contract, to all the Northern Ports of His Catholick Majesties *West-Indies*, including the River of *Plata*, with Prohibition to all others, whether Subjects of the Crown, or Strangers, to carry and introduce thither any Negroes, under the Penalties established by the Laws that relate to this Contract of Trade; and His Catholick Majesty Obliges himself by His Faith and Royal Word, to maintain the said Assentists, in the entire and full Possession and performance of all the Articles thereof, during the time agreed on, without allowing or conniving at any thing that may be contrary to the punctual and exact fulfilling thereof, Magestad

XIX.

His Catholick Majesty will, upon His Faith and Royal Word, cause to be Observed all the Articles of this Assiento.

duccion, y comercio de mercaderias ha de ser absolutamente prohibido, y negado à dichos Asientistas, como contrario, y opuesto à las leyes de estos Reynos, y à la sinceridad, y buena fee con que deben desempeñarse de la obligacion de este Asiento. Y declara su Magestad, y ordena, que las mercaderias que assi se aprehendieren, introducidas fraudulentamente, serán tassadas, y valuadas, è inmediatamente quemadas en parte publica, por orden de los dichos Governadores, y Oficiales Reales, y se condene al Capitan, ò Maestre del dicho Navio, ò Embarcacion, à pagar el precio valuado, aunque no tenga mas culpa, que la de omision en no aver tenido cuydado de embarazar, que las tales mercaderias se embarcassen; pero si fuesen complices, ò delinquentes principales, serán condenados à perdida equivalente al crimen cometido, castigados severamente, y declarados inhabiles de poder tener en adelante ninguna ocupacion por el servicio de este Asiento; y su Magestad Catholica pedirá exacta, y rigurosa cuenta à todos sus Ministros, y Oficiales, sobre el cumplimiento de lo referido; con declaracion, que no por esso han de estar sujetos à la dicha perdida,

punished also, all Importation and Trading in Merchandize being absolutely forbidden and deny'd to the said Asientists, as being contrary to, and against the Laws of these Kingdoms, and the Sincerity and good Faith with which they ought to discharge the Obligations they are under by this Asiento. And His Majesty declares and ordains, that the Merchandize which shall be so Seized, as being fraudulently Imported, shall be appraiz'd and valued, and immediately burnt in some Publick Place, by Order of the said Governors and Royal Officers, and the Captain or Master of the said Ship or Vessel, shall be Condemned to pay the Price at which it was valued, though he should be guilty of no other Fault, than of Omission, in not taking care, that no such Merchandize should have been put on board; but if they are Accomplices, - or Delinquents, they shall be Condemned to pay a Forfeiture proportionable to their Offence, severely punished, and declared incapable to hold thereafter any Employment in the Service of this Asiento: And His Catholick Majesty will require from all His Ministers and Officers, an exact and strict account of the Performance of what is above-

E

y con.

y confiscacion los Navios en que fueren los Negros, ni tampoco los bastimentos, que para su sustento se llevarén; pues esto se declara que ha de quedar libre, por no tener culpa; y que la persona, ó personas, que tuvieren el encargo puedan proseguir su negociacion; y que si las mercaderias, ó generos aprehendidos no excedieren el valor de cien pesos escudos, se quemarán, sin remission alguna, despues de valuadas, y el Capitan será condenado à pagar la cantidad que importaren, en pena de su descuydo, y omision; y que si no exhibiere promptamente el valor del comisso, quede suspenso, y preso, hasta averlo hecho; pero si se justificare, que el tal Capitan no ha sido complice, ha de ser de su obligacion entregar la persona que huviere delinquido; y en este caso quedará el libre.

mentioned; And it is declared that the Ships, on board which the Negroes shall be, or any of the Provisions brought for their Subsistence, shall not be lyable to the said Forfeiture and Confiscation, they being declared to remain free, as not being in fault; and the Person or Persons, who have charge of them, may go on with their Traffick; and if the Merchandize or Goods Seized do not exceed the Value of One hundred Pieces of Eight (*Escudos*) they shall be burnt without any remission (being first Appraized) and the Captain shall be condemned to pay the Sum at which they were Appraized, as a punishment for his neglect and omission, and if he does not pay down the Value of what shall have been so Seized, he shall be Suspended and Imprison'd till Payment made; but if it be proved that he was not an Accomplice, he shall be obliged to deliver up the Person Guilty, and in that case he shall be free.

XXIII.

Los bastimentos que desembarcare para el sustento de los Negros no han de pagar derechos algunos; y si quedaren algunos rezagos con riesgo de corromperse, han de poder venderlos con intervencion de los Oficiales Reales.

XXIII.

Que de los bastimentos, y otras provisiones, que desembarcaren para el sustento de los Negros, no deberán pagar derechos algunos de entrada, ni de salida, ni otros qualesquiera que sean, impuestos, ó que se impusieren en adelante; aunque

XXIII.

That the Victuals and other Provisions which shall be put on Shore for the Subsistence of the Negroes, shall not pay any Duties of Importation or Exportation, or any others whatever, that now are, or hereafter may be imposed; but if the Af-

XXIII.

Provisions landed for the use of the Blacks, shall not pay any Duties of Import or Export, but those bought shall pay the same as are paid by Spanish Subjects, and if any remain likely to perish, they may

Magestad como interes propio suyo; con la calidad de no poder introducir en el dicho Rio de la Plata, ò Buenos Ayres, mas de las mil y dozientas piezas de Negros, permitidas por la condicion octava.

XX.

Su Magestad reserva en si solo el conocimiento de los pleytos y causas, que pudiesen turbar este Assiento.

Que en el caso que los dichos Assientistas fueren molestados en la execucion, y cumplimiento de este Assiento, y que fuesen inquietadas sus acciones, y derechos por via de pleyto, ò en otra forma, qualquiera que sea, su Magestad Catholica declara, que ha de reservar en si solo el conocimiento de ellos, y de las demás causas, que pudiesen promoverse, con inhibicion à todos, y qualesquiera Juezes, y Justicias de tomar inspeccion, y conocimiento de las dichas causas, y pleytos, ni de las omisiones, y defectos, que pudiesen resultar en el cumplimiento de este Assiento.

XXI.

Los Navios de este trafico no podran entrar en los Puertos, sin que primero justifiquen los Capitanes de no aver en ellos enfermedad contagiosa.

Que los Navios de dichos Assientistas luego que lleguen à los Puertos de las Indias con sus Amazonas de Negros, los Capitanes de ellos han de estar obligados de certificar, que no tienen ninguna enfermedad contagiosa, para que los Gobernadores, y Oficiales Reales les puedan permitir la entrada en dichos Puertos; sin

His Majesty considering it as his own concern; with this Condition, that they shall not Import into the said River of Plata, or Buenos Ayres, more than the Twelve hundred *Piezas de Negros* allow'd by the 8th. Article

XX.

That in case the said Assientists be molested in the Execution and Performance of this Assiento, and that their Proceedings and Rights be disturbed by way of Suits at Law, or in any other manner whatsoever, His Catholick Majesty declares that he will reserve to himself alone the Cognizance thereof, and of all Causes that may be moved thereupon, with an Inhibition to all and whatsoever Judges and Justices to take to themselves the Examination and Cognizance of the said Causes, or of the Suits, Omissions or Defects that may happen in the performance of this Assiento.

XXI.

That whenever the Ships of the said Assientists, shall arrive in the Ports of the *Indies* with their Cargoes of Negros, the Captains thereof shall be oblig'd to Certifie that there is not any Contagious Distemper amongst them, that the Governor and Royal Officers may permit them to enter into the said Ports, without which Cer-

cuya

XX.

His Catholick Majesty reserves to himself alone the Cognizance of all Causes relating to this Assiento.

XXI.

Ships employ'd in this Trade shall not enter the Ports before the Captains have Certify'd there is no contagious Distemper on Board.

cuya justificacion no han de ser admitidos.

tificates, they shall not be admitted.

XXII.

Los dichos Navios han de ser visitados, y si se hallaren mercaderias han de ser commissadas con la imposicion de las penas, que se prescriben; pero no los Negros, bastimentos, ni Embarcaciones.

XXII.

Despues que los dichos Navios ayan entrado en qualquiera de los Puertos han de ser visitados por el Governador, y Oficiales Reales, y fondeados hasta el plan, y lastre de ellos; y aviendo desembarcado los Negros en todo, ò en parte, podrán al mismo tiempo desembarcar las provisiones, que llevaren para su sustento, poniendolos en algunas casas particulares, ò Almacenes, obtenida licencia de los Ministros que los huvieren visitado, para evitar por este medio ocasion de fraude, ò controversia; pero no podrán desembarcar, introducir, ni vender ningun genero, ni mercaderia, con ningun pretexto, ni motivo; porque si algunas se hallaren en los Navios, han de ser commissadas, como si estuviessen en tierra, si solo los dichos Esclavos Negros, y almacenar los bastimentos para su manutencion, pena de que serán castigados severamente los que lo executaren, y sus mercaderias, y efectos confiscados, ò quemados, declarandolos para siempre incapazes de tener empleo alguno en el dicho Asiento; y los Oficiales, y Vassallos de su Magestad Catholica que lo permitieren, serán igualmente castigados; porque toda intro-

XXII.

When the said Ships shall have entred into any of the Ports, they are to be visited by the Governor and Royal Officers, and searched to the bottom, even to the Ballast; and having Landed their Negroes in whole or in part, they may at the same time Land the Provisions, which they shall bring for their Subsistence, laying them up in particular Houses or Magazines, having obtain'd leave of the Ministers who had Searched the said Ships; to avoid by these means all opportunities of Fraud or Controversie; but they shall not Land, Import, or Vend any Goods or Merchandize under any Pretence or Motive whatsoever; and if there should be any on Board the Ships, they shall be Seized, as if they were found on Shore, excepting only the said Negro Slaves, and the Magazines of Provisions for their Subsistence, under the penalty, that those who are guilty, shall be severely punished, and their Merchandize and Effects Confiscated or Burnt, and they shall be declar'd for ever incapable of having any Employment in the said Asiento; and the Officers and Subjects of His Catholick Majesty who shall connive at the same, shall be severely

XXII.

The Ships shall be search'd on arrival; Merchandizes found on Board shall be confiscated, and the punishments hereby prescribed shall be inflicted, but the Blacks, Provisions, and Vessels shall be free.

ducion,

si los compraren, ò los extrageren de los Puertos, han de estar obligados à pagar los que estuvieren establecidos, del mismo modo, que lo hizieran los Vassallos de su Magestad Catholica; con declaracion, que si de los dichos bastimentos almacenados quedaren algunos rezagos, por no averse podido consumir, expuestos al riesgo de corromperse, los podrán vender, ò conducir à otros Puertos, para el mismo fin de su venta, pagando los derechos, que en ellos estuvieren impuestos; todo con intervencion, y conocimiento de los Oficiales Reales.

XXIV.

Desembarcados los Negros han de adeudar los derechos; pero no de los que huviere enfermos de peligro, que han de tener quinze dias de tiempo para curarse; y si passados estuviere con vida, adeudaran tambien los derechos.

XXIV.

Que los derechos de los Negros introducidos han de causarse desde el dia de su desembarco en qualquiera de los Puertos de las Indias, despues de hecha la visita, y regulacion por los Oficiales Reales; con declaracion, que si se muriere alguno de los dichos Negros antes de estar vendido, no por esso han de dexar los Asientistas de estar obligados à pagar los derechos de los que murieren, sin que sobre ello puedan introducir pretension alguna; y solo se permite, que si al tiempo de hazerse la visita se reconocieren algunos Negros enfermos de peligro, se puedan desembarcar para procurarlos algun alivio; y que

Asientists buy or export them from the Ports, then shall they be obliged to pay the Duties Established, in the same manner as His Catholick Majesties Subjects ought to do; and it is declared, That if, of the Provisions that were laid up in the Ware-houses, there should remain some, which could not be expended, and likely to perish, they may be sold, or carried to other Ports to be disposed of, paying the Duties there Established; the whole, with the Interposition and Knowledge of the Royal Officers.

be sold with the Intervention of the Royal Officers, paying their Duties.

XXIV.

That the Duties upon the Negroes Imported, are to be due from the Day of their Landing in any of the Ports of the Indies, after the Search made, and all matters regulated by the Royal Officers; and it is declared, That if any of the said Negroes dye before they are sold, the Asientists shall not thereby be quit of the Obligation of paying the Duties for those that dye, nor have any pretension to make upon that Account; except only, that in case, upon making the Searches, there be found any Negroes dangerously ill, they may be landed for their Recovery, and if these dye within the space of Fifteen Days, from the time of their

XXIV. The Duties to be due for the Blacks from the time of Landing, except those who shall be dangerously ill, for whom 15 Days are allowed, and the Duties are to be due for them also, if, after that time, they shall be living.

si estos se murieren en los quinze dias primeros despues de echados en tierra, no esten obligados los Asientistas a pagar derechos algunos, respecto de no desembarcar se con el fin de venderlos, sino de procurarles la salud en los quinze dias referidos; y si passados estuvieren con vida, en tal caso deberán adendar los derechos en la conformidad que los demás, y satisfacerlos en esta Corte, como va prevenido en la condicion quinta.

XXV.

Despues de vendidos parte de los Negros de la Embarcacion en vn Puerto, podra pasar a otro los que quedaren, y recibir en pago el oro, y plata para sacarlo libre de todos derechos; pero no de los frutos, y efectos, de que avra de pagar los establecidos, y les podra pasar de vnos Puertos a otros.

XXV.

Que despues que los Asientistas, o sus factores ayan ajustado, y vendido parte de los Negros de la Embarcacion, que huviere entrado en aquel Puerto, les ha de ser permitido passar a otro el numero que les quedare, dandoleles certificacion por los Oficiales Reales de los derechos, que alli huvieren adeudado, para que no se les pueda repetir en los demás Puertos; Y asimismo podrán recibir en pago de los que vendieren, reales, varras de plata, y tejos de oro, que sean quintados, y sin fraude, como tambien los frutos de la tierra, para sacarlos, y embarcar libremente, assi los reales, varras de plata, y tejos de oro, como los efectos, y frutos, por ser procedidos de la venta de dichos Negros, sin

being put on Shore, the Asientists shall not be obliged to pay any Duties, in regard they were not landed for Sale, but in order to Recover their Health in the said Fifteen Days; which being expired, if they shall be yet alive, then they shall become indebted for the Duties for them, in like manner as for the rest, and shall pay them in this Court, pursuant to what is agreed in the Fifth Article.

XXV.

That after the Asientists, or their Factors, shall have settled the Duties, and sold part of the Loading of Blacks, which they had brought to that Port, they shall be allowed to carry the remainder to any other Port, carrying Certificates from the Royal Officers of having there accounted for the Duties, that so the same may not be demanded of them again in any other Port; And they may receive in Payment for those they shall sell, Money, Bars of Silver, and Ingots of Gold, which shall have paid the King's *Quinto* without Fraud, as also the Produce of the Country, which they may carry away, and embark freely, as well the Money, Bars of Silver, and Ingots of Gold, as the other obli-

XXV.

Part of the Blacks may be sold in any Port, and the Vessel proceed with the remainder to another, carrying a Certificate of having accounted for the Duties, and the payment in Gold or Silver to be free of all Duties, but the Fruits or Effects to pay the Duties, and may be carried from one Port to another to be sold.

Pod
vior
sien
los
la
tan
Esp
ver
elec
ant
su
bol
Esp
gar
de
y si
glar
bia
fin
em
dal
no
ger
cia
sta

obligacion de pagar derechos, si solo los que estuvieren establecidos en los Lugares de adonde se entregaren los tales frutos, y efectos, que se les permite recibir en cambio, o por precio de los Negros, de qualquiera calidad que sean; y los que vendieren en esta forma, por falta de moneda, han de poder transportarlos con las Embarcaciones empleadas en este trafico, a los Puertos que les pareciere, y venderlos en ellos, pagando los derechos acostumbrados.

to exhibit any account of
of Effects, or Account of
His Catholick Majesty
Spain in this manner

XXVI.

Podran los Navios de este Asiento salir de los Puertos de la Gran Bretaña, o de España, y volver a ellos a su eleccion, dando antes noticia de su partenza, y bolviendo a España entregaran registro de sus retornos, y si a los de Inglaterra, embiaran relacion sin que puedan embarcar caudales de Españoles, ni Passajeros, sin licencia de su Magestad Catholica.

Que los Navios que estuvieren empleados para este Asiento, han de poder salir de los Puertos de la Gran Bretaña, o de España, a eleccion de los Asientistas, quienes han de participar a su Magestad Catholica los que en cada un año se despacharen, para llevar Negros, y los Puertos adonde fueren destinados, pudiendo volver a ellos, u a otros con los reales, varras de plata, y oro, frutos, y efectos de la tierra, que huvieren procedido de la venta de sus Negros, con la obligacion que hazen, de que viniendo los retornos a los Puertos de España entregaran los Capitanes, y Comandantes registro autentico

12. II V X X

Effects and Fruits, as being the Produce of the Sale of the said Negroes, without being obliged to pay any Duties, except only those that shall be Established in the Places from whence those Fruits and Effects are brought, which they are allow'd to receive in Exchange, or for the Value of their Negroes, of whatever kind they be, upon Sales made in this manner for want of Money, which they may carry on board the Vessels employ'd in this Commerce, to such Ports as they shall think fit, and sell them there, paying the accustomed Duties.

XXVI.

That the Ships which shall be employ'd by this Asiento, may Sail from the Ports of Great Britain or Spain at the choice of the Asientists, who shall give an Account to His Catholick Majesty of what Ships they shall dispatch yearly for the Negro-Trade, and the Ports for which they are design'd, and may return to either with the Money, Bars of Silver, Gold, Fruits and Produce of the Country, being the produce of the Sale of their Negroes, and they shall be under this Obligation, that if the Returns come into the Ports of Spain, the Captains and Commanders shall give to His Catholick

XXVI.

The Ships of this Asiento may Sail to or from Great Britain or Spain, the Asientists to give an Account of what Ships they dispatch yearly and their returns; but they shall not bring any Effects of Spaniards, nor Spanish Passengers, nor their Effects, without leave from His Catholick Majesty.

co

co à los Ministros de su Magestad, para que conste lo que conducen; y si llegaren à los de la Gran Bretaña, embiarán individual relacion de la carga, con el fin de que su Magestad se halle plenamente informado; con advertencia, de que en ninguno de dichos Navios podrán traer plata, oro, ni otros frutos, que no sean del producto de la venta de Negros, ni tampoco Passageros Españoles; porque les está prohibido cargar caudales, ni otros efectos de cuenta de Vassallos de su Magestad Catholica, de aquellos Reynos, à menos que precediese licencia expresse de su Magestad Catholica; Y consienten, que si los Capitanes, Comandantes, y Oficiales los traxessen sin este permiso, sean declarados incurridos en culpa, y castigados como defraudadores de los derechos de su Magestad, y transgresores de lo contenido en esta condicion, y de las ordenes, que su Magestad fuere servido de dar para su execucion, y para que en los Puertos de las Indias se vele en evitar semejante fraude; de modo, que siempre que pueda averiguarse, de averse cometido, han de ser castigados los delinquentes.

Majesties Ministers an Authentick Register, by which it may appear what they have on board; and if they come back to Great Britain, they shall send over an exact Account of their Lading, that His Majesty may be fully inform'd thereof; with this warning, that they may not bring over, in any of the said Ships, any Silver, Gold, or other Effects, than what shall be the Produce of the Sale of the Negroes, nor any Spanish Passengers; they being forbid to receive on board any Merchandize or other Effects, on Account of His Catholick Majesties Subjects in those Dominions, without an express Licence first obtain'd from His Catholick Majesty; and they consent, that if the Captains, Commanders and Officers, do bring any such on board, without such Licence, they shall be declared guilty, and punished as having defrauded His Majesties Customs, and transgress'd against the Contents of this Article, and the Orders which His Majesty shall have been pleas'd to give for the Execution thereof, and for the avoiding of such Frauds in the Ports of the Indies, so that the Offenders, being Convicted thereof, shall be constantly punished.

XXVII.

Se previene la forma que se ha de observar con las presas que hizieren los Navios de este Asiento, assi en su venta, como en la applicacion de su producto, y paga de derechos.

XXVII.

Si sucediere, que los Navios de este Asiento fueren armados en Guerra, y hizieren algunas presas de Enemigos de vna, y otra Corona, o de los Piratas, Corsarios, que suelen cruzar, y robar en los Mares de la America, podrán entrar con ellas en qualquier Puerto de su Magestad Catholica, adonde han de ser admitidos; y siendo alli declaradas por buenas, y legitimas las presas, no han de estar obligados los Apresadores a pagar mayores derechos de entrada de los que estuviesen establecidos, y pagaren los Naturales Vassallos de su Magestad; con declaracion, que si en ellas se hallaren Negros, los han de poder vender por cuenta del numero de los de su obligacion, como tambien los viveres, y bastimentos, que les sobraren; pero esto no se entiende con las mercaderias, y generos que apresaren, cuya venta ha de quedar siempre prohibida; pero se les permite (atendiendo a la conveniencia de sus intereses) que puedan llevar las dichas mercaderias, y generos apresados a los Puertos de Cartagena, o Portobello, y entregarlos a los Oficiales Reales, quienes los ayran de recibir, inventariar, y poner en Almacenes, con asistencia de los Apresado-

XXVII.

If it should happen that the Ships of this Asiento should be fitted out as Ships of War, and should take any Prizes from Enemies of either Crown, or from the Pirates that usually Cruize and Plunder in the Seas of America, they may bring them into any Port belonging to His Catholick Majesty, where they are to be admitted; and the said Prizes being declared good and lawful; the Captors shall not be obliged to pay greater Duties, upon the Entry of their Prizes, than what are established and payable by the natural Subjects of His Majesty; and it is declared, that if there should be any Negroes on Board such Prizes, they may sell them in part of the Number they have engag'd to furnish, as likewise the Victuals and Provisions that should be over and above what is needful for their Subsistence; But this is not to extend to the Merchandize and Goods which they may take, the sale whereof is ever to remain Prohibited: However such Regard is had to their Interests, that they are allow'd to carry the said Merchandize and Goods so taken, to the Ports of *Cartagena* or *Portobello*, and deliver them to the King's Officers, who are to receive them, and

XXVII.

The Method to be observed in relation to Prizes taken by the Ships of the Asiento.

res,

res, donde se guarden hasta el arribo de Galeones, y que llegue el tiempo de celebrarse las Ferias en dichos Puertos de Cartagena o Portobello, quando los Oficiales Reales han de cuidar de que se vendan con intervencion, y asistencia de los Diputados del Comercio, y de los mismos Apresadores, o sus Apoderados, para lo qual avrá de dar su Magestad Catholica las ordenes convenientes, como se las dá por esta condicion, y que sacandose la quarta parte de la cantidad de su venta, que ha de pertenecer a su Magestad para entrarla en las Reales Caxas, y remitir a España con toda distincion de lo que procede, se han de entregar las tres quartas partes restantes de cada presa, sin la menor dilacion, a los Apresadores, o sus Apoderados, descontando, y baxando de ellas todos los gastos que se huvieren causado en la venta, y almacenage, y satisfaciendo al mismo tiempo que se vendan las mercaderias de las presas los derechos acostumbrados, y debidos a la Real hazienda. Y para prevenir qualquiera duda, y cabilacion, declara su Magestad, que los Navios, Valandras, y otras Embarcaciones apresadas, de qualquiera calidad que sean, han de pertenecer con sus Armas, Artilleria,

make an Inventory thereof, and lay them up in Warehouses, in the Presence of the Captors, where they are to be kept till the Arrival of the Galeons, and the time of holding the Fairs in the said Ports of *Cartagena* and *Portobello*; and then the King's Officers are to take care that they be sold, with the Interposition, and in the Presence of the Deputies of Commerce, and the said Captors, or their Agents; for which purpose His Catholick Majesty is to give the necessary Orders, as he does give them by this present Article, and deducting a Fourth Part of the Produce of the Sale thereof, which is to belong to His Catholick Majesty, to be put into the Royal Coffers, and remitted to *Spain*, with a distinct Account of the said Produce, they are to deliver the Three remaining Parts of each Prize, without the least Delay to the Captors, or their Agents, deducting and retaining thereout all Expences for their Sale and Warehouse-room, and satisfying at the same time that these Prizes are Sold, the accustomed Duties payable for the same to the Royal Exchequer. And for the preventing all manner of Doubt and Cavil, His Majesty declares, That the Ships, Ketches, and other

Municiones, y todos los demás pertrechos, que en ellas se hallaren, à los dichos Apresadores.

Vessels (thus made Prize of) of whatever sort they be, with their Arms, Guns, Ammunition, and all the Furniture and Tackle on board them, shall belong to the Captors.

XXVIII.

Sus Magestades Catholica, y Breτανica, son interessadas, cada vna por la quarta parte en este Asiento, para lograr las ganancias, que del resultaren.

XXVIII.

Que mediante ajustarse, y establecerse este Asiento con particular conocimiento del beneficio que pueden recibir sus Magestades Breτανica, y Catholica, para sus Reales averes, se ha convenido, y estipulado, que ambas Magestades han de ser interessadas en la mitad de él, y cada vna en la quarta parte, que le ha de pertenecer, segun lo acordado: Y respecto de ser necessario, que para aver de gozar su Magestad Catholica de los vtiles, y ganancias, que puede producir este negociado, huviesse de pagar anticipadamente à los dichos Asientistas vn millon de escudos de plata, ò bien la quarta parte de la cantidad, que por ellos se regulasse ser necesario para poner en buena orden, y gobierno este negocio, se ha convenido, y ajustado, que si su Magestad Catholica no juzgare por conveniente anticipar la referida cantidad, ofrecen los dichos Asientistas hazerla de su propio dinero, con la calidad, que su Magestad Catholica les aya de hazer buenos los intereses, en la

XXVIII.

That whereas in the Establishing and Adjusting this Asiento, a particular Regard is had to the Advantage that may thence accrue to Their *British* and Catholick Majesties, and to Their Revenues, It is Agreed and Stipulated, That both Their Majesties shall be concern'd for One half of this Trade, each of them a Quarter part, which is to belong to them pursuant to this Agreement: And whereas it is necessary that His Catholick Majesty (in order to have and enjoy the Benefit and Gain that may be obtain'd by this Trade) should advance to the said Asientists, One Million of Pieces of Eight, (*Escudos*) or a quarter of the Sum, which they shall judge necessary for the putting of this Commerce into a good Order and Method, It is Agreed and Settled, That if His Catholick Majesty shall not think it convenient to advance the said Sum, the aforementioned Asientists do offer to do it out of their own Money, upon Condition, that His Catholick Majesty shall

XXVIII.

Their *British* and Catholick Majesties are interested each a quarter part in this Asiento.

F quenta

quenta que dieren, à razon de ocho por ciento al año, correspondientes à los dias del desembolso, hasta los del reintegro, y satisfaccion, en virtud de la cuenta, que se presentará, para que de este modo pueda su Magestad gozar de las ganancias, que pudieren pertenecerle, à que desde luego se obligan; pero en caso que no las tengan, por algunos accidentes, ò infortunios, y que en lugar de ellas padescan perdidas, ha de quedar su Magestad obligado (como desde luego se obliga) à mandar reembolsar de este tiempo aquella parte que le tocare de intereses, segun fuere de justicia; y en la forma menos perjudicial à su Real Patrimonio. Y ha de nombrar su Magestad Catholica dos Directores, ò Factores, los quales han de residir en Londres, otros dos en Indias, y vno en Cadiz, para que de su parte intervengan con los de su Magestad Britanica, y demás interesados en todas las direcciones, compras, y quantas de este Asiento, à los quales ha de dár su Magestad Catholica las instrucciones convenientes, à fin de lo que deban observar, y con especialidad à los dos de Indias, para evitar todos los embrazos, y controversias, que puedan ocasionarse.

make good the Interest out of what they shall be accountable for, to Him, after the Rate of Eight *per Cent.* yearly, commencing from the respective Days of their laying out the said Money, and to continue till they are Reimburs'd and Satisfy'd, according to the Account that shall be presented to Him, that His Majesty may thus enjoy the Profits that may accrue to Him, which they oblige themselves to from this time; but in case they do not make any Profit by reason of Accidents or Misfortunes, and that instead thereof they suffer Losses; His Majesty will be obliged, (as he does oblige Himself from this time,) to cause them to be Reimburs'd so far as he is concern'd, according to Justice, and in such way as may be least prejudicial to His Royal Revenues. And His Catholick Majesty is to Name Two Directors or Factors, who are to Reside at *London*, Two more in the Indies, and One at Cadiz, that they may be concern'd on His part, (together with those of Her Britannick Majesty, and those that shall be interested,) in all the Directions, Purchases and Accounts of this Asiento, to whom His Catholick Majesty is to give proper Instructions by which to govern themselves, par-
XXIX. Que

*to Intervene on h^r M^t
part (together with
those of her Br. M^t.
and those that shall be
interested) in all &c*

XXIX.

Cumplidos los cinco años primeros se avra de dar la cuenta de las ganancias, y pagar lo que de ellas tocare a su Magestad Catholica.

XXIX.

Que los dichos Assentistas han de dár la cuenta de los viles, y ganancias que huviere despues que ayán cumplido los primeros cinco años de este Assiento, con relaciones juradas, y legitimos instrumentos de los precios de la compra, sustento, transporte, y venta de los Negros, y de todos los demás gastos, que se huvieren causado; como tambien certificaciones en buena forma de lo que huviere procedido de la venta de ellos en todos los Puertos, y partes de la America, pertenecientes à su Magestad Catholica, adonde se huvieren introducido, y vendido; cuyas cuentas, assi de los gastos, como de los productos, han de ser primero reconocidas, y liquidadas por los Ministros de su Magestad Britanica, à quienes pertenecièr, por el interès que tiene en este Assiento, para que en esta Corte se pueda del mismo modo examinar, y ajustar lo que tocara à su Magestad Catholica, y cobrarlo de los Assentistas, quienes tendrán la obligacion de pagarlo muy regular, y puntualmente en fuerça de esta condicion, que ha de tener la misma fuerça, y vigor, que si fuera

ticularly to those in the *Indies*, for the better avoiding all Impediments and Disputes which may happen.

XXIX.

That the said Assentists are to give an Account of their Profits and Gain at the end of the First Five Years of this Assiento, with Accounts taken upon Oath, and certify'd by Legal Instruments, of the Charge of the Purchase, Subsistence, Transportation, and Sale of the Negroes, and all other Expences upon their Account; and also Certificates in due Form, of the Produce of their Sale in all the Ports and Parts of *America*, belonging to His Catholick Majesty, whither they shall have been Imported and Sold; which Accounts, as well of the Charge as the Produce, are first to be Examined and Settled, by Her *Britannick* Majesties Ministers employ'd in this Service, in regard to the Share She is to have in this Assiento, and then to be Examined in like manner in this Court; And his Catholick Majesties Share of the Profits may be Adjusted and Recovered from the Assentists, who are to be oblig'd to Pay the same most regularly and punctually, in pursuance of this Article, which is to be of the same Force and Vigour as if it

XXIX.

At the end of the first 5 Years the Assentists to account for the Profits, and to pay what belongs to His Catholick Majesty.

instrumento publico, y debaxo de lo expreffado en la condicion veinte y ocho, en quanto à los Factores, que fu Mageftad Catholica ha de nombrar.

XXX.

Del producto de las ganancias de los primeros cinco años se ha de reembolsar la Compania de lo que huviere anticipado por la quarta parte de su Mageftad Catholica, y de los intereses, y de cinco en cinco años successivamente se avra de dar la cuenta por la misma orden.

XXX.

Que si el producto de las ganancias de los primeros cinco años excediere à la cantidad, que debieron anticipar, y anticiparon los Assentistas por su Mageftad Catholica, junto con los intereses de ocho por ciento, que se han de comprehender, y abonar en la forma que queda expreffado, los dichos Assentistas se avran de reembolsar en primer lugar de lo que huvieren anticipado, con mas los intereses, y satisfacer à su Mageftad Catholica lo demàs que se huviere adquirido con los derechos de los Negros, introducidos ànualmente, sin dilacion, ni embarazo alguno; cuya orden assimismo se ha de observar, y continuarse de cinco en cinco años successivamente, durante el tiempo de este Assiento; y al fin de el se darà la cuenta de las ganancias de los vltimos cinco años, en la forma que vò expreffado en los primeros; de calidad, que su Mageftad Catholica, y los Ministros que tuvieren esta incumbencia, queden plenamente satisfechos, debaxo de lo expreffado en la condicion veinte y

were a Publick Instrument, and under the Regulation mention'd in the 28th Article, concerning the Factors which His Catholick Majesty is to appoint.

XXX.

That if the Amount of the Gain, made during the first Five Years, does exceed the Sum which the Assentists are to advance, and shall advance for His Catholick Majesty, together with the Interest of Eight per Cent. which is to be included and made good in the manner abovemention'd, the Assentists are to reimburse themselves in the first place, what they shall have advanced, with all the Interest, and then to pay to His Catholick Majesty the remainder of the Profit that shall come to His Share, together with the Duties upon Negroes annually Imported, without any delay or impediment; which Practice is likewise to be observ'd and continued every Five Years successively, during the Term of this Assiento; and at the end thereof an Account shall be given of the Gain made in the last Five Years, in the same manner as is mentioned in relation to the first Five Years; so that His Catholick Majesty, and His Ministers, whom he shall employ in this Affair, may remain

d

ocho,

XXX.

Out of the Profits made in the first Five Years, the Company may reimburse themselves their Advance of His Catholick Majesties Quarter part, and the Interest; and an Account shall be given in like manner every Five Years successively.

ocho, en quanto à los Factores, que su Magestad Catholica ha de nombrar.

fully satisfy'd, pursuant to what is mention'd in the 28th Article, concerning the Factors which His Catholick Majesty is to appoint.

XXXI.

Si las ganancias de los primeros cinco años lo permitieren, despues de satisfecho el expreso supli-
mento, podra la Compania hazerle pago del todo, o parte de los dozientos mil pesos, que ofrece anticipar.

XXXI.

Que aviendo los dichos Assentistas ofrecido por la condicion tercera de este contrato de anticipar dozientos mil pesos escudos de plata, en la forma que en ella se refiere, no han de ser reembolsados de ellos, hasta que ayan passado los veinte años primeros de este Assiento, como se expresa en la citada condicion tercera, ni tampoco puedan pretender cosa alguna, por razon de riesgos, è intereses de esta cantidad; pero que si por lo respectivo à la quenta, que han de dár los dichos Assentistas al fin de los primeros cinco años, constare aver auido ganancias, han de poder reembolsarse de la cantidad, ò parte de ella, que por quenta del desembolso huviessen anticipado à su Magestad Catholica, por la quarta parte en que se ha de interesar en este Assiento, è igualmente por el importe de sus intereses, en consecuencia de lo expreffido en la condicion veinte y ocho.

XXXI.

That whereas the said Assentists have offer'd by the 3d Article of this Contract, to advance Two hundred thousand Pieces of Eight in the manner therein expressed, they shall not be reimbursed the same, till the end of the first Twenty Years of this Assiento, as is mention'd in the said 3d Article, nor shall they pretend to any Allowance for the Risque or Interest of that Sum; but if upon the Account that is to be given by the Assentists, at the end of the first Five Years, they shall appear to be Gainers, they may reimburse themselves the Sum, (or part thereof) which they shall have advanced for the Quarter Part, wherein His Catholick Majesty is interested in this Assiento, as also the Interest due to them on this Account, pursuant to what is mention'd in the 28th Article.

XXXI.

If the Profits of the first Five Years will allow it, the Company may reimburse themselves their whole Advance.

XXXII.

Se concede a la Compania el tiempo de tres años despues de cumplidos los treinta de este Assiento

XXXII.

Que despues de fenecido, y cumplido este Assiento, su Magestad Catholica concede à los Assentistas el tiempo

XXXII.

That from and after the determination and fulfilling of this Assiento, His Catholick Majesty does grant to

XXXII.

Three Years are granted to the Company (after the Determination of the 30 Years of this Assiento) for

para recoger sus efectos, y dar la quenta final, con la entrada libre de sus Navios en los Puertos de la America para este fin.

po de tres años para ajustar todas sus quantas, y recoger todos sus efectos en las Indias, y dár la quenta final; en cuyo tiempo de tres años gozarán los Assentistas, sus Factores, Apoderados, y dependientes, los mismos privilegios, y franquezas, que les están concedidas durante el tiempo de este Contrato, para la entrada libre de sus Navios, y Embarcaciones en todos los Puertos de la America, y extraccion de los efectos que en ellos tuvieren, sin alteracion, ni restriccion alguna, qualquiera que pueda ser.

the Assentists the space of Three Years, to adjust their Accounts, and gather in all their Effects in the Indies, and make up a Balance of the whole, during which Term of Three Years, the said Assentists, their Factors, Agents, and others employ'd by them, shall enjoy the same Privileges and Immunities as are granted to them for the Term of this Contract, for the free Entrance of their Ships and Vessels in all the Ports of America, and Exportation of such Effects as they may have there, without any Alteration or Restriction whatsoever.

getting in their Effects, &c. with the same Privileges as before.

XXXIII.

Los deudores de este Asiento han de ser apremiados a la paga, como si lo fuesen de su Magestad Catholica.

XXXIII.

Que todos los deudores de los Assentistas han de ser compelidos, y apremiados a la satisfaccion de lo que debieren executivamente, por quanto se han de considerar sus creditos con el mismo privilegio, que si fueran propios de su Magestad Catholica, que los califica como tales para el fin de la mas segura cobrança.

XXXIII.

That all the Debtors to the Assentists shall be compelled and forced to pay their Debts, by taking them and their Goods in Execution, these Debts being consider'd upon the same foot as those due to His Catholick Majesty himself, who declares them as such, that they may be the more effectually recovered.

XXXIII.

Debts belonging to the Assiento recoverable as those due to the King.

XXXIV.

Podrá embiar vestidos, medicinas, provisiones, y pertrechos navales desde Europa a los Puertos de las Indias en Embarcaciones de a ciento y cinquenta toneladas (a parte de las que conducen los Ne-

XXXIV.

Que siendo necessario para la manutencion, y sustento de los Esclavos Negros, que se desembarcaren en los Puertos de las Indias Occidentales, como tambien de todos los dependientes empleados en este trafico, tener Almacenes continua-

XXXIV.

That it being requisite for the Support and Subsistence of the Negro Slaves, who shall be set on Shore in the Ports of the West-Indies, as likewise of all the Persons employ'd in this Commerce, to keep constantly Magazines filled with

XXXIV.

Clothes, Medicines, Provisions, or Naval Stores, may be sent from Europe, or the Queen's Colonies, for the use of the Assentists only, in Vessels of 150 Tons, giving Advice of the same to the Council of the

mente

gros) dando a-
vifo de ellas al
Consejo; pe-
ro no podran
venderlos, fino
en caso de ne-
cessidad de Na-
vio Espanol.

mente proveidos de vestua-
rio, medicinas, provisiones,
y otras cosas precisas en to-
das las Factorias, que se
establecieren para el alivio,
y mejor gobierno de este
Assiento, y tambien de todo
genero de pertrechos para
reparar el vfo de los Navios,
y Embarcaciones, que se em-
plearán en servicio de el,
confian los Assentistas, que
su Magestad Catholica se
dignará de permitir, que de
tiempo en tiempo puedan
llevar desde la Europa, ò de
las Colonias de su Magestad
Britanica, en el Norte de
la America, derechamente
à los Puertos, y parages del
Mar de el Norte de las In-
dias Occidentales Espano-
las, adonde huviere Oficiales
Reales, ò sus Tenientes y
assimismo en el Rio de la
Plata, ò Buenos Ayres, los
vestidos, medicinas, provisi-
ones, y pertrechos de Navi-
os, solo para el vfo de los
Assentistas de Negros, Fa-
ctores, Sirvientes, Marine-
ros, y Navios; cuyas con-
ducciones se han de poder ha-
zer en Embarcaciones peque-
ñas de à ciento y cinquenta
toneladas (à parte de las
que conduxeren las piezas
de Esclavos) de las quales,
y de su carga han de dár a-
vifo al tiempo de partir al
Consejo de las Indias, y
presentar en el declaracion
de los Directores de las que
assi fueren, con la obligaci-

Clothing, Medicines, Pro-
visions, and other Necessa-
ries, in all the Factories that
shall be established, for the
more easie and better Ma-
nagement of this Assiento,
as also with all Naval Stores,
for the Repairing of, and
Furnishing the Ships and
Vessels employ'd in its Ser-
vice, the Assentists trust
that His Catholick Majesty
will please to allow them,
from time to time, to bring
from *Europe* or Her *Britan-
nick* Majesties Colonies in
North-America, directly to
the Ports and Coasts of the
Northern Sea of the *Spanish
West-Indies*, where there shall
be Royal Officers, or their
Deputies, and likewise to
the River of *Plata* or *Buenos
Ayres*, Clothing, Medicines,
Provisions, and Naval Stores,
for the use only of the Assi-
entists, their Negroes, Fa-
ctors, Servants, Mariners,
and Ships; and they may
Import the same in small
Vessels, of about One hun-
dred and fifty Tons, (and
not in those wherein the Ne-
gro Slaves are carried) of
which and their Cargoes,
they are, at the time of their
departure, to send an Ac-
count to the Council of the
Indies, and to lay before it
a Declaration of the Factors,
of what Goods the Loading
consists, none of which shall
be Sold, under Penalty of
Confiscation and severe Pu-
on

*Indies; but
not to be sold,
unless to supply
the Necessity of
a Spanish Ship.*

*over & besides,
(separate & distinct
from) those wherein the
wide the Convention*

on precisa de no poder vender nada de lo expreſſado, pena de confiscacion, y de riguroſo caſtigo contra los tranſgreſſores, fino es en el caſo preciso de virgente neceſſidad de Navio de Eſpaña, que para bolver à ella ſe vea obligado ſu Capitan à comprarlos, conviniendose con los Factores.

niſhment to be inflicted on the Offenders, unleſs it be, in the caſe of an urgent Neceſſity, for a *Spaniſh Ship*, the Caprain whereof, in order to his return home, may be obliged to buy the ſame as he can agree with the Factors.

XXXV.

Se concede el arrendar tierras cerca de las Factorias para hazer plantios, y cultivarlos por mano de los Naturales, y de los Negros.

XXXV.

Que para refreſcar, y mantener con ſalud à los Eſclavos Negros, que ſe han de introducir en las Indias Occidentales, despues de tan largo, y penoſo viage, y prevenirlos de qualquier mal contagioſo, y deſtemplança, ſe ha de conceder libertad à los Factores de eſte Affiento de arrendar las porciones de tierra, que parecieren convenientes, en las cercanias de los Lugares adonde ſe eſta blecieron las Factorias, con el fin de cultivar las tierras que aſſi arrendaren, y de hazer plantios en que recoger proviſiones freſcas para ſu alivio, y ſuſtento, cuyo cultivo, y beneficio ſe aya de hazer por los Naturales de aquel Pais, y por los Eſclavos Negros, y no por otros, ſin que en eſta forma pueda ningun Miniſtro de ſu Mageſtad Catholica embarazarlo.

XXXV.

For the refreſhing and preſerving in Health the Negro Slaves, which they ſhall import into the *West-Indies*, after ſo long and painful Voyage, and to prevent any Contagious Illneſs, or Diſtemper amongſt them, the Factors of this Affiento ſhall be allowed to hire ſuch Parcels of Land as they ſhall think fit, in the neighbourhood of the Places where the Factories ſhall be Eſta bliſhed, in order to Cultivate the ſaid Lands, and make Plantations, in which they may raiſe freſh Proviſions for their Relief and Subſiſtence; which Cultivating and Improvement is to be Perform'd by the Inhabitants of the Country, and the Negro Slaves, and not by any others, nor may any Miniſters of His Catholick Majeſty hinder them, provided they keep to this Rule.

XXXV.

Leave is given for hiring of Lands, near the Factories, for making Plantations to be cultivated by the Natives and Blacks.

XXXVI.

Se concede licencia para embiar vn Navio de trecientas toneladas a las

XXXVI.

Que ſe ha de conceder licencia à los Affentiſtas para poder embiar vn Navio de

XXXVI.

That Leave ſhall be granted to the Affentiſts to ſend a Ship of Three hundred Tons

XXXVI.

Leave is given for a Ship of 300 Tons, to load at the *Cannaries*, and take

trece-

Islas de Cana-
rias, y facer re-
gistro de frutos
para la Ameri-
ca, por vna vez
sola, durante el
Asiento.

trecentas toneladas à las
Islas de Camarias, sacando
su registro de los frutos, que
en ellas acostumbra cargar
para la America, en la con-
formidad que se concedió
por la condicion veinte y
seis à Don Bernardo Francisc-
co Marin, y la veinte y vna
del de la Compania de Gui-
nea de Portugal, por vna
vez sola, durante el tiem-
po de este Asiento.

XXXVII.

Se ha de despachar Cedula para que en todos los Puertos de la America se publique Indulto para los Negros de mala entrada, desde el dia que empieza este Asiento, a beneficio de la Compania.

Que se les ha de despachar Cedula, para que en todos los Puertos de la America se haga publicacion de Indulto para los Negros de mala entrada, desde el dia en que se concede este Asiento, concediendose libre facultad a los Factores de indultarlos, por el tiempo, y en el precio que les pareciere; y que el importe de este indulto se aplique, y sea en beneficio de los Asientistas, quienes han de tener la obligacion de pagar los derechos regulares a su Magestad de treinta y tres pesos escudos, y vn tercio de otro, por cada Negro, al mismo tiempo que se indulte.

XXVIII.

Para las dependencias de este
Affiento se ha
de formar vna
Junta de tres
Ministros del
Consejo de las
Indias, con as-
sistencia del
Fiscal, y Secre-
tario del.

Que para la mejor, y mas
prompta expedicion (de este
negocio se ha de servir su
Magesad de formar una
Junta de tres Ministros de
su mayor satisfaccion, con
asistencia del Fiscal, y Se-
cretario del Consejo de las

to the *Canary Islands*, and to carry from thence such Fruits as are customarily taken on board there, for *America*, pursuant to what was allowed to *Don Bernardo Francisco Marin* by the 26th Article of his Assiento, and by the 21st Article of the Assiento of the *Guinea Company of Portugal*, for one time only, during the continuance of this Assiento.

XXXVII.

That Orders shall be dispatched for the Publication in all the Ports of *America*, of an *Indulto* for the Negroes unduly Imported from the Day that this *Affiento* is to take place, with free liberty to the Factors to lay an *Indulto* on them at what Time and Price they shall think fit; and that the Produce of this *Indulto* shall be applied to the Benefit of the *Affientists*, who shall be oblig'd to Pay to His Catholick Majesty the regular Duties of Thirty three Pieces of Eight, and One third of a Piece of Eight, for each Negro, at the time that the *Indulto* is laid.

XX XVIII.

That for the better and more expeditious Dispatch of this Affair, His Majesty will be pleased to establish a Junta of Three Ministers, such as he shall think most proper, who, with the Assistance of the Fiscal and Se-
G Indias,

out her Registro
of Fruits custo-
mary for *Ame-
rica*, for once
only, during
the time of this
Affiento.

XXXVII.

Orders shall be
dispatched for
causing Publi-
cation to be
made in all the
Ports of *America*, of an In-
dulto or Seizure,
for the use of
the Company,
on all Blacks
unduly brought
in from the
Day that this
Assiento shall
commence.

for the Times

XXXVIII.

A Junta of 3 Ministers of the Council of the Indies, shall be appointed for the Affairs of this Assiento, who shall be assisted by the Fiscal and Secretary of said Council.

3. of the Senate
and
Treasurers &
Secy of the
Council.

Indias, para que entienda, y conozca privativamente de todos los negocios, y dependencias de él, durante el tiempo que se capitula; y que la dicha Junta consulte a su Magestad lo que se ofreciere, del modo que se estableció, y formó para la Compañía de Francia.

secretary of the Council of the Indies, shall hear and take Cognizance, (exclusive of all others) of all Matters and Cases relating thereunto, during the time that is stipulated; and that the said Junta shall lay before His Majesty what shall occur to them, in the same manner as was practised for the French Company.

XXXIX.

Todas las condiciones concedidas a los Asientistas antecedentes, que no fueren contrarias a este, se han de entender como insertas en el, y tambien el despacho de las Cédulas, que se les huvieren expedido.

XXXIX. Que todas las condiciones concedidas en los Asientos antecedentes de D. Domingo Grillo, del Consulado de Sevilla, de D. Nicolás Porcio, de D. Benardo Marin y Guzman, de las Compañías de Portugal, y Francia, que no fueren contrarias a lo contenido en este Contrato, se han de tener entendidas, y declaradas a su favor, como si a la letra estuviesen insertas en él; y que todas las Cédulas que se huviesen despachado en qualquier tiempo a los referidos Asientistas se han de conceder a los presentes, siempre que las pidieren, sin que se les ponga ninguna duda, ni embarazo.

XXXIX. That all the Concessions in former Asientos to Don Domingo Grillo, the Consulado of Seville, Don Nicolas Porcio, Don Bernardo Marin y Guzman, the Companies of Portugal, and France, not being contrary to the Contents of this Contract, shall be understood and declared to be in its Favour, as if they were herein literally inserted; and that all the Orders that have at any time been dispatched in Favour of those forementioned Asientists, shall be granted to these, whenever they shall ask them, without any Doubt or Difficulty.

XXXIX. All Concessions in former Asientos, not contrary to this, to be understood in its Favour, as if here inserted, the like Orders that have been granted to former Asientists, shall be given to these, as often as asked.

XL.

En caso de declaracion de guerra entre las dos Coronas, tendra la Compañia el tiempo de ano, y medio para sacar sus efectos de las Indias, y de España; y si la huvieren con otras Naciones,

XL. Que en caso de declaracion de guerra (lo que Dios no permita) de la Corona de Inglaterra con España, o de la de España con Inglaterra, ha de quedar suspendido este Asiento; pero se ha de conceder a los Asientistas el permiso, y la seguridad de po-

XL. That in Case of a Declaration of War (which God forbid) of the Crown of Great Britain against that of Spain, or of Spain against Great Britain, this Asiento is to be suspended; however the Asientists are to be suffered to remove with all Security.

XL. In case of War between the two Crowns, the Company shall have a Year and half to withdraw their Effects from Spain and the Indies; but if between either of them and other Na-

hen de quedar
neutrales las
Embarcaciones
del Asiento, sin
poder ser in-
quietadas; para
lo qual avran
de llevar Ar-
mas, y Vande-
ras distintas, a
la eleccion de
su Magestad
Catholica.

der sacar en el termino de
año, y medio, desde que se
declare el rompimiento, to-
dos sus efectos libremente en
los Navios de él, que se
hallaren en los Puertos de las
Indias, ó en los de Espa-
ñoles, con la calidad, que si
en estos se transportasen a
los de España, los podrán sa-
car de ellos libremente, co-
mo si el Asiento estuviese
corriente, precediendo la ju-
stificación de ser del producto
de los Negros; con declara-
cion, que si sucediere, que
las dos Coronas de España, y
Inglaterra, ó qualquiera de
ellas entren en guerra, vnida,
ó separadamente con otras
Naciones, en tal caso avrán
de llevar los Navios del tra-
fico del Asiento sus Passa-
portes, y Vanderas, con Ar-
mas distintas de las que a-
costumbran traer los Ingleses,
y Españoles, del modo que
su Magestad Catholica tuvi-
ere por bien de elegir las;
las quales no podrán ser con-
cedidas á otras Embarcaci-
ones, que á las expresas
de este trafico, sin que pue-
dan ser inquietados, ni violen-
tados por los de las Nacio-
nes, que fueren, ó se decla-
rasen Enemigas de las dos
Coronas; para cuya seguri-
dad se empenará su Mage-
stad Britanica á solicitar, y
conseguir, que en el tratado
proximo de la Paz General
se inserte vn articulo expreso
para que venga á la noticia

curity, (during the Space of
One Year and an Half, from
the time of the Declaration
of such Rupture) all their
Effects, and to bring them
home freely in such of their
Ships as shall then happen to
be in the Ports of the *Indies*,
or in those belonging to *Spa-
niards*; with this Condition,
that if they should bring
them to the Ports of *Spain*,
they may freely carry them
away again, as if the Asiento
was yet in force, it being first
made to appear, that they
are the Produce of the Negro
Trade; And it is farther de-
clared, That if it should hap-
pen that the Crowns of *Spain*
and *England*, or either of
them, joynly or separately,
shall enter upon a War with
other Nations, in such case
the Ships employ'd in this As-
iento are to have Passes and
carry Flags with different
Arms from what are usually
born by the *English* or *Spa-
niards*, such as His Catholick
Majesty shall please to make
Choice of, the like to which
are not to be granted to any
other Vessels than those be-
longing to this Trade, which
shall protect them from being
molested or assaulted by the
Ships of such Nations as shall
be, or declare themselves
Enemies to the two Crowns;
in order to the securing of
which, Her *Britannick* Ma-
jesty will take upon Her to
solicit and obtain that in the

tions, the Ships
of the Asiento
shall be Neu-
ters, and for
that purpose
shall have
Passes, and car-
ry Colours, dif-
fering from
what were usu-
al, such as His
Catholick Ma-
jesty shall ap-
point.

de todos los Principes, y estén obligados á mandar, que sus Vassallos, y Subditos le guarden, y observen ex-acta, y puntualmente.

XLI.

Su Magestad Catholica dispensa en favor de este Asiento todas las Leyes, Ordenanças, Cedulas, Privilegios, Establecimientos, vsos, y costumbres, que a el se opusieren.

Y que todo lo contenido en el presente contrato, y las condiciones insertas en el, como todo lo anexo, y dependiente, se ha de cumplir, y executar sincera, y puntualmente, sin que pueda embazararlo ningun pretexto, causa, ni motivo, para lo qual ha de dispensar su Magestad (como dispensa) todas las Leyes, Ordenanças, Cedulas, Privilegios, Establecimientos, Usos, y Costumbres, que huviere en contrario en qualquiera parte de los Puertos, Lugares, y Provincias de la America, pertenecientes á su Magestad, por el tiempo de treinta años, que ha de durar este Asiento, y los tres años mas que se conceden á los Asientistas para recoger sus efectos, y dar la quenta final, segun vá expresado, aviendo de quedar en su fuerza, y vigor para los demás casos, que no tocan á este Contrato, y para el tiempo adelante, despues de cumplidos los treinta y tres años de el.

ensuing General Treaty of Peace, an express Article may be inserted, that all the Princes may take notice of it, and may be oblig'd to command their Subjects to govern themselves accordingly, and to observe the same exactly, and punctually.

XLI.

That all the Contents of this present Contract, and the Conditions therein inserted, as likewise all that shall be annexed thereunto, or depending thereon, shall be fulfilled, and sincerely and punctually executed, so as it may not be obstructed by any Pretence, Cause, or Motive whatsoever; for which purpose His Majesty is to dispense, (as He does hereby dispense,) with all Laws, Ordinances, Proclamations, Privileges, Establishments, Usages, and Customs, contrary hereunto, where ever the same may be subsisting in any of the Ports, Places, and Provinces of America, belonging to His Majesty, for the Term of Thirty Years, during which this Asiento is to continue, and the three Years farther, which are allowed to the Asientists, for the getting in their Effects, and balancing their Accounts, as has been already mention'd; which Laws, &c. are however to continue in all their Force and Vigour, in all other Cases that do not relate to this Contract, and in all time

XLII. Y

XLI.

His Catholick Majesty dispenses in favour of this Asiento, with all Laws, &c. contrary hereunto for 30 Years, and 3 Years more.

coming, after the Expiration of the Thirty three Years thereof.

XLII.

Concede su Magestad Catholica a la Compania, sus Agentes, Factores, y Ministros, todas las gracias, franquexas, y privilegios concedidos en los Asientos precedentes.

XLII.

Y finalmente concede su Magestad a dichos Asientistas, sus Agentes, Factores, Ministros, Oficiales, Politicos, y Militares, assi en Mar, como en Tierra, todas las gracias, franquexas, privilegios, y exempciones, que se huvieren concedido en los Asientos precedentes, qualesquiera que sean, sin ninguna restriccion, ni limitacion, en quanto no se oponga a lo prevenido, y expreffado en las condiciones antes de esta; las quales se obligan los Asientistas a cumplir, y executar, integra, y puntualmente.

Demas de las expreffadas condiciones, capituladas por la Compania de Inglaterra, su Magestad Catholica, atendiendo a las perdidas, que han tenido los Asientistas antecedentes, y con la expressa calidad de que no ha de hazer, ni intentar la referida Compania comercio alguno illicito, directa, ni indirectamente, introducirle debaxo de ningun pretexto; y para manifestar a su Magestad Britanica quanto desea su Magestad Catholica complacerla, y afiançar mas la estrecha, y buena correspondencia, ha sido servido de venir, por su Real Decreto de doze de Março de este presente año, en conceder a la Compania de este

XLII.

And finally His Majesty grants to the said Asientists, their Agents, Factors, Ministers, Officers Civil and Military, aswell at Sea as at Land, all the Favours, Freedoms, Privileges, and Exemptions, that have ever been granted to any former Asientists, without any Restriction or Limitation, so far as they are not contrary to what is agreed and expressed in the foregoing Articles; which the Asientists do likewise oblige themselves to accomplish and execute entirely and punctually.

Besides the foregoing Articles, Stipulated on behalf of the *English Company*, His Catholick Majesty, considering the Losses, which former Asientists have sustained, and upon this Express Condition, that the said Company shall not carry on, nor attempt any unlawful Trade directly nor indirectly, under any pretence whatsoever; and to manifest to Her *Britannick Majesty* how much he desires to pleasure Her, and to confirm more and more a strict and good Correspondence, has been pleas'd by His Royal Decree of the 12th of *March*, in this present Year, to allow to the Company of this Asiento, a Ship of

XLII.

His Catholick Majesty grants to the Company all Favours, Freedoms, and Privileges granted in any former Asientists.

Additional Article.

On condition that the Company shall not attempt any unlawful Trade, His Catholick Majesty grants, during the 30 Years, a Ship of 500 Tons yearly to trade withal to the *West-Indies*, His Majesty to be concern'd $\frac{1}{4}$, and to have 5 per Cent. on the gain made on the other $\frac{3}{4}$, the Merchandize to be free of all Duties in the *Indies*, and to be sold only at the times of holding the Fairs, and in

the annual ship is granted to the Company. see page 2.

*an Annual Ship for
30. years, of 500 Tons.*

*hem. Interested
therein.*

*Goods
said Ship to be sold
in Time of the Fair*

*to be lock'd up, if
ship arrives before the
Flotas & Galeons, until
Time of Fair.*

*the Goods by s. ship
to be sold only at the
Fair.*

to be free of All Duties.

Affiento, vn Navio de quinientas toneladas, en cada vn año, de los treinta preferidos en él, para que pueda comerciar à las Indias, en que igualmente ha de gozar su Magestad Catholica de la quarta parte del beneficio de la ganancia, como en el Affiento; y demás de esta quarta parte ha de percibir asimismo su Magestad Catholica vn cinco por ciento de la liquida ganancia de las otras tres partes, que tocaren a Inglaterra; con expresse condition de que no se podrán vender los generos, y mercaderias, que llevare cada Navio de estos, fino es solo en el tiempo de la Feria; y si qualquiera de ellos llegare à Indias antes que las Flotas, y Galeones, serán obligados los Factores de la Compañia à desembarcar los generos, y mercaderias que conduxere, y almacenarlas debaxo de dos llaves, que la vna ha de quedar en poder de Oficiales Reales, y la otra en el de los Factores de la Compañia, para que los generos, y mercaderias referidas solo puedan venderse en el expreffado tiempo de la Feria, libres de todos derechos en Indias.

Y porque mi voluntad es, que todo lo contenido en cada vna de los capitulos, y condiciones expreffadas en el pliego arriba inserto, y la que va por final del, añadida de mi pro-

Five hundred Tons Yearly, during the Thirty Years of its Continuance, to Trade therewith to the Indies, in which His Catholick Majesty is to partake a Fourth part of the Gain, as in the Affiento, besides which Fourth, His Catholick Majesty is to receive 5 per Cent. out of the neat Gain of the other Three parts which belong to England, upon this Express Condition, that they may not sell the Goods and Merchandizes, which each of those Ships shall carry, but only at the time of the Fair; and if any of these Ships shall arrive in the Indies, before the Flotas and Galeons, the Factors of the Affiento shall be oblig'd to land the Goods and Merchandize (with which they shall be laden) and put them into Ware-houses that shall be locked with two Keys, one of which to remain with the Royal Officers, and the other with the Factors of the Company, to the end the said Goods and Merchandize may be sold during the Continuance of the said Fair only; and they are to be free of all Duties in the Indies.

And whereas My Will and Pleasure is, That all that is contained in each of the Articles and Conditions (expresse in the above Draught herein inserted) and that which is the last

the mean while to be kept in Ware-houses, under Care of the King's Officers and the Affientists.

Conclusion:

pio motu, y voluntad, tenga cumplido efecto; Por la presente le apruebo, y ratifico, y mando se guarde, cumpla, y execute literalmente en todo, y por todo, como en el, y en cada vno de sus capitulos se contiene, y declara; y que contra su tenor, y forma no se vaya, ni se passe, ni consienta ir, ni passar en manera alguna, dispensando (como por esta vez dispense) todas las leyes, y prohibiciones, queuviere en contrario; y prometo, y aseguro por mi fee, y palabra Real, que cumpliendo por parte de la Compañia de Inglaterra con lo que la toca, y es obligada, se cumplirá de la mia lo Contratado; para cuya firmeza se ha otorgado por Millord Lexington, Ministro de su Magestad Britanica en esta Corte, la escriptura, y aceptacion de este Contrato, correspondiente à su entero cumplimiento, y validacion; la qual en consecuencia de mi Real orden se ha hecho por la Escribania de Camara de mi Consejo de las Indias en veinte y seis del presente mes, y año. Y quiero, que para la execucion de todo lo expresado en este Assiento se expidan à su tiempo todas las Cédulas, Despachos, y Ordenes correspondientes al entero efecto, y cumplimiento del; y de la presente toma-

of all (being added thereto of My own free Will) should have its full Effect, I do by these Presents Approve and Ratify the same, and Command that it be Observed, Fulfilled and Executed, literally, in the whole and throughout, according to the Contents of it, and of every Article thereof, and what is therein Declared, and that nothing be Done or Acted, or be any ways suffered to be Done or Acted, contrary to the Tenor and Form thereof, dispensing (as I do for this time dispense) with all Laws and Prohibitions that may be contrary thereunto; and I promise and assure, upon My Faith and Royal Word, that provided the Company of *England* perform this Contract on their part, so far as concerns them, and as they are obliged, I will perform it on My part: In Witness whereof I have granted to the Lord *Lexington*, Her Majesty of *Great Britain's* Minister in this Court, the present Writing and Acceptance of this Contract, corresponding with its entire Performance and Validity; which, in pursuance of My Royal Command, has been made out by the Register's Office of the Chamber of My Council of the *Indies*, the Twenty sixth Day of this
ran

Por la Real Cedula de los Contadores de Quentas, que residen en el dicho mi Consejo. Fecha en Madrid a veinte y seis de Marzo de mil setecientos y treze.

Yo el Rey.

YO EL REY.

Por Mandado del Rey nuestro Señor,

Don Bernardo Tinaguero de la Escalera.

U. M. aprueba y ratifica el Asiento Ajustado con la Compania de Inglaterra, sobre la Introduzion de Esclavos Negros en Indias, por tiempo de treinta años, en la forma que se expresa en las Condiciones arriba insertas.

Yo el Rey.

present Month and Year; and I Will, that for the Execution of all that is mentioned in this Assiento, all the Cédulas, Dispatches and Orders, required for the entire Effect and Fulfilling thereof, be Issued in their proper Time: And the Comptrollers of Accounts, who attend My said Council, are to take notice of these Presents. Given at Madrid the Twenty sixth Day of March, One thousand seven hundred and thirteen.

I THE KING.

By the Command of Our Lord the King,

Don Bernardo Tinaguero de la Escalera.

Your Majesty does hereby Approve and Ratify the Assiento Adjusted with the Company of England, for the Importation of Negro Slaves into the Indies, for the Term of Thirty Years, in the manner mentioned in the Articles above inserted.

Yo el Rey.

F I N I S.